

MONTANA LEGISLATIVE HISTORY

Chapter 364 19 95

Bill H 248 S _____

Original bill & history ✓ c

H. Committee on Highways & Trans.

S. Committee on Highways & Trans.

Hearing Date(s) 1-20 ✓ c

Hearing Date(s) 3-7 ✓ c

2-3 ✓ c

3-14 ✓ c

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Date Out _____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

HB 248 INTRODUCED BY BERGSAGEL, ET AL.
 GENERALLY REVISE LAWS PERTAINING TO DRIVER LICENSING AND
 EXAMINATION
 BY REQUEST OF THE DEPARTMENT OF JUSTICE

1/17	INTRODUCED		
1/17	FIRST READING		
1/17	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/18	FISCAL NOTE REQUESTED		
1/20	HEARING		
1/24	FISCAL NOTE RECEIVED		
1/25	FISCAL NOTE PRINTED		
2/06	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/07	2ND READING PASSED	94	5
2/08	3RD READING PASSED	95	4
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/07	HEARING		
3/16	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/23	2ND READING CONCURRED	50	0
3/24	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE WITH AMENDMENTS		
3/31	2ND READING AMENDMENTS CONCURRED	97	0
4/03	3RD READING AMENDMENTS CONCURRED	96	3
4/05	SIGNED BY SPEAKER		
4/06	SIGNED BY PRESIDENT		
4/07	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 364		
	EFFECTIVE DATE: 04/12/95—SECTIONS 4 & 8		
	EFFECTIVE DATE: 10/01/95—SECTIONS 1-3 & 5-7		

HB 249 INTRODUCED BY MARSHALL
 GENERALLY REVISE LAWS RELATING TO LOCAL GOVERNMENT
 REGULATION OF TRAFFIC

1/17	INTRODUCED		
1/17	FIRST READING		
1/17	REFERRED TO LOCAL GOVERNMENT		
2/07	HEARING		
2/07	REREFERRED TO HIGHWAYS & TRANSPORTATION		
2/13	HEARING		
2/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/18	2ND READING PASSED	88	11
2/20	3RD READING PASSED	90	9
	TRANSMITTED TO SENATE		
2/21	FIRST READING		
2/21	REFERRED TO LOCAL GOVERNMENT		
3/09	HEARING		
3/18	COMMITTEE REPORT—BILL CONCURRED		
3/25	2ND READING CONCURRED	45	3
3/27	3RD READING CONCURRED	44	5
	RETURNED TO HOUSE		
3/28	SIGNED BY SPEAKER		
3/28	SIGNED BY PRESIDENT		
3/29	TRANSMITTED TO GOVERNOR		

INTRODUCED BY

House BILL NO. 248

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS PERTAINING TO DRIVER LICENSING AND EXAMINATION; CLARIFYING ELIGIBILITY REQUIREMENTS FOR DRIVER LICENSING; CREATING A COOPERATIVE DRIVER TESTING PROGRAM IN CONJUNCTION WITH A STATE-APPROVED HIGH SCHOOL TRAFFIC EDUCATION COURSE; EXTENDING THE TERM OF A DRIVER'S LICENSE IN CERTAIN CIRCUMSTANCES; PROVIDING FOR ELECTRONIC TRANSFER OF DRIVING RECORDS; ELIMINATING MAIL RENEWALS AND PROFILE PHOTOGRAPHS FOR MINORS; ADJUSTING THE DISPOSITION OF LICENSE FEES; AMENDING SECTIONS 61-5-105, 61-5-106, 61-5-107, 61-5-110, 61-5-111, AND 61-5-121, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-5-105, MCA, is amended to read:

"61-5-105. Who may not be licensed. The department ~~shall~~ may not issue ~~any~~ a license hereunder under this chapter to ~~any~~ a person:

(1) who is under ~~the age of~~ 16 years, ~~with those exceptions of age unless:~~

(a) ~~The department may issue a driver's license to a~~ the person who is at least 15 years of age if ~~he and~~ he ~~has passed a driver's education course approved by the department and the superintendent of public instruction; or~~

(b) ~~The department may issue a restricted license to any~~ the person who is at least 13 years of age and, because of individual hardship, to be determined by the department, needs a restricted license;

(2) whose license ~~has been~~ or driving privilege is currently suspended ~~during the suspension, or to any person whose license has been revoked, except as provided in 61-5-208 in this or any state;~~

(3) who is ~~an habitual drunkard, or is~~ addicted to the use of alcohol or narcotic drugs;

(4) who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who, at the time of application, has not ~~at the time of application~~ been restored to competency by the methods provided by law;

(5) who is required by this chapter to take an examination, ~~unless the person shall have successfully passed such examination;~~

(6) who ~~is~~ has not deposited proof of financial responsibility when required under the provisions of the motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof chapter 6 of this title; or

(7) who ~~is suffering from any form of epileptic type seizures or similar disorders~~ has any condition characterized by lapse of consciousness or control, either temporary or prolonged, ~~which that~~ that is or may become chronic; ~~provided that. However,~~ the department may in its discretion issue a license to ~~a~~ an otherwise qualified person suffering from ~~epileptic type seizures or similar disorder characterized by lapse of consciousness or control, a condition if otherwise qualified to be licensed to drive a motor vehicle, when the afflicted person can show through a written report from his person's attending physician attests in writing that he has not experienced an epileptic type seizure or similar disorder characterized by lapse of consciousness or control for a sufficient period and that the condition is stabilized as attested to by said physician the person's condition has stabilized and would not be likely to interfere with that person's ability to operate a motor vehicle safely."~~

Section 2. Section 61-5-106, MCA, is amended to read:

"61-5-106. Instruction and permits -- traffic education learner licenses and permits and -- temporary licenses. (1) ~~A~~ The department may issue an instruction permit to a person satisfying the age requirements specified in 61-5-105(1) may apply to the department for an instruction permit. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an the knowledge test and the vision examination as provided in 61-5-110. An instruction permit that entitles the applicant permittee, while having the permit in the applicant's immediate possession of the permit and accompanied by a licensed driver seated beside the permittee, to drive a motor vehicle upon the public highways for a period of 6 months when accompanied by a licensed driver who is occupying a seat beside the driver from the date the fees required in 61-5-111 are paid.

(2) ~~In addition, the~~ The department may issue an instruction permit a traffic education learner license to any person who is at least 14½ years of age and who has successfully completed or is successfully participating in a traffic education course approved by the department and the superintendent of public instruction. An instruction permit must be restricted to the operation of a motor vehicle A traffic

education learner license entitles the licensee to operate a motor vehicle only when accompanied by an approved instructor or licensed parent or guardian and may be further restricted to specific times or areas.

~~(2)(3)~~ (a) ~~The department upon receiving proper application may in its discretion~~ An instructor of a traffic education program approved by the department and by the superintendent of public instruction may issue a traffic education permit that is effective for a school year or more restricted period to an applicant who is enrolled in a traffic education program approved by the department even though the applicant has not reached the legal age to be eligible for a driver's license and who meets the age requirements specified in 20-7-503. The permit entitles the permittee, when the permittee has a permit in the permittee's

(b) When in immediate possession of the traffic education permit, to the permittee may operate only on a designated highway or within a designated area;

(i) a motor vehicle only when an approved instructor is occupying a seat seated beside the permittee; or

(ii) a motorcycle or quadricycle only when under the immediate and proximate supervision of an approved instructor.

~~(3)(4)~~ The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The temporary driver's permit must be in the permittee's immediate possession while operating a motor vehicle, and it is invalid when the applicant's license has been issued or for good cause has been refused.

~~(4)(5)~~ The department may in its discretion issue a temporary commercial driver's license to an applicant permitting the applicant to operate a commercial motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a commercial driver's license. The temporary license must be in the applicant's immediate possession while operating a commercial motor vehicle and is invalid when the applicant's license has been issued or for good cause has been refused."

Section 3. Section 61-5-107, MCA, is amended to read:

"61-5-107. Application for license, instruction permit, or motorcycle endorsement. (1) ~~Every~~ Each application for an instruction permit, driver's license, or motorcycle endorsement must be made upon a form furnished by the department. A motorcycle endorsement is required for the operation of a quadricycle.

1 ~~Every~~ Each application must be accompanied by the proper fee, and payment of the fee entitles the
2 applicant to not more than three attempts to pass the examination within a period of 6 months from the
3 date of application. A voter registration form for mail registration as prescribed by the secretary of state
4 must be attached to each driver's license application. If the applicant wishes to register to vote, the
5 department shall accept the registration and forward the form to the election administrator.

6 (2) ~~Every~~ Each application must state the full name, date of birth, sex, and residence address of
7 the applicant, must briefly describe the applicant, and must state whether:

8 (a) the applicant has previously been licensed as a driver or commercial vehicle operator, and, if
9 so, when and by what state or country, ~~and whether;~~

10 (b) any commercial operator license has ever been suspended or revoked; ~~or whether~~

11 (c) an application has ever been refused, and, if so, the date of and reason for suspension,
12 revocation, or refusal.

13 (3) ~~Whenever~~ When application is received from an applicant previously licensed by ~~any other~~
14 another jurisdiction, the department shall request a copy of the applicant's driving record from the previous
15 licensing jurisdiction. The driving record may be transmitted manually or by electronic medium. When
16 received, the driving records become a part of the driver's record in this state with the same force and
17 effect as though entered on the driver's record in this state in the original instance."

18
19 **Section 4.** Section 61-5-110, MCA, is amended to read:

20 **"61-5-110. Examination of applicants -- cooperative driver testing programs.** (1) The department
21 shall examine every applicant for a driver's license or motorcycle endorsement, except as otherwise
22 provided in this section. The examination must include a test of the applicant's eyesight, a knowledge test
23 examining the applicant's ability to read and understand highway signs regulating, warning, and directing
24 traffic, and the applicant's knowledge of the traffic laws of this state, and must include an actual
25 demonstration of a road test demonstrating the applicant's ability to exercise ordinary and reasonable
26 control in the operation of a motor vehicle, quadricycle, or motorcycle. The examination for the commercial
27 driver's license may include additional items. The knowledge test or road test, or both, may be waived by
28 the department upon certification of the applicant's successful completion of the test by a certified
29 cooperative driver testing program, as provided in subsection (2).

30 (2) The department is authorized to certify as a cooperative driver testing program any

1 state-approved high school traffic education course offered by or in cooperation with a school district that
2 employs an approved instructor who has current endorsement from the superintendent of public instruction
3 as a teacher of traffic education and who agrees to:

4 (a) administer standardized knowledge and road tests required by the department to students
5 participating in the district's high school traffic education courses;

6 (b) certify the test results to the department; and

7 (c) comply with regulations of the department and the superintendent of public instruction.

8 ~~(2)(3)~~ Within 90 days of receipt of an application for a commercial driver's license, the department
9 shall give an examination to the applicant in the county where the applicant resides.

10 ~~(3)(4)~~ Except as otherwise provided by law, a resident who has a valid driver's license issued by
11 another state may surrender that license for a Montana license of the same class, type, and endorsement
12 upon payment of the required fees, successful completion of a vision examination, and, if requested by the
13 examiner, completion of either the knowledge test or road test, or both. ~~A resident who obtains a Montana~~
14 ~~driver's license in this manner is exempt from the written examination and actual demonstration of the~~
15 ~~operation of a motor vehicle provided for in subsection (1) but is not exempt from the eyesight test or, in~~
16 ~~the case of commercial drivers, In addition, a resident surrendering a commercial driver's license issued by~~
17 another state shall successfully complete any examination required by federal regulations before being
18 issued a commercial driver's license by the department."

19
20 **Section 5.** Section 61-5-111, MCA, is amended to read:

21 **"61-5-111. Renewals, expirations, and fees for licenses, permits, and endorsements -- notice of**
22 **expiration.** (1) The department may appoint county treasurers and other qualified officers to act as its
23 agents for the sale of driver's licenses receipts and shall make necessary rules governing sales. In ~~these~~
24 ~~areas where~~ in which the department provides driver licensing services 3 days or more a week, the
25 department is responsible for sale of receipts and may, in its discretion, ~~not~~ appoint an agent to sell
26 receipts. The department, upon receipt of payment of the fees specified in this section, shall issue a driver's
27 license to ~~every~~ each qualifying applicant. The license must contain a full-face photograph of the licensee
28 in the size and form prescribed by the department, ~~except as provided in subsection (4);~~ a distinguishing
29 number issued to the licensee; the full name, date of birth, ~~residence~~ Montana mailing address, and a brief
30 description of the licensee; and either ~~a facsimile of the signature of the licensee or a space upon which~~

1 ~~the licensee shall write the licensee's signature in pen and ink immediately upon receipt of the license~~
2 a digital reproduction of the licensee's signature. A license is not valid until it is signed by the licensee.

3 (2) (a) ~~The~~ When a person applies for renewal of a driver's license, the department shall, when
4 person applies in person for renewal of a driver's license, test the applicant's eyesight and may also, in the
5 department's discretion, may have the applicant demonstrate complete a road test demonstrating
6 applicant's physical ability to operate and to exercise ordinary and reasonable care in the operation of a
7 motor vehicle.

8 (b) In the case of a commercial driver's license, the department may also require that the applicant
9 successfully complete a written examination as required by federal regulations.

10 (c) A person is considered to have applied for renewal of a Montana driver's license if the
11 application is made within 6 months before or 3 months of after the expiration of the person's license.

12 ~~(d) The department shall mail a driver's license renewal notice to a person no earlier than 60 days~~
13 ~~and no later than 30 days prior to the expiration date of the person's license.~~

14 ~~(e) (i) A person may renew a driver's license by mail, without the tests provided for in subsection~~
15 ~~(2)(a), for a 4-year period, provided that the person:~~

16 ~~(A) has not accumulated five or more points on the person's driving record for the period~~
17 ~~immediately preceding the expiration date; and~~

18 ~~(B) submits a sworn affidavit on a form prescribed by the department, attesting to the person's~~
19 ~~physical and mental ability to safely operate a motor vehicle.~~

20 ~~(iii) The department may not renew a driver's license by mail for more than one renewal period. At~~
21 ~~the expiration of the mail renewal period, a person shall apply in person for a renewal.~~

22 ~~(iii) A person who holds a probationary or restricted license may not renew the license by mail.~~

23 (3)(a) Except as provided in subsection (3)(b) and (3)(c), a license expires on the anniversary of
24 the date of birth of the licensee 4 licensee's birthday 8 years or less after the date of issue or on the
25 licensee's 75th birthday, whichever occurs first. The department may adopt rules to stagger the
26 implementation of the conversion to an 8-year license cycle over a 4-year period.

27 (b) A license issued to a person who is 75 years of age or older expires on the anniversary of the
28 licensee's birthday 4 years or less after the date of issue.

29 (c) A license issued to a person who is under 21 years of age expires on the licensee's 21st
30 birthday.

~~(4) A license issued to a person under the age of 21 years must contain a photograph of the person's profile.~~

~~(5)(4) Whenever the department issues an original license to a person under the age of 18 years, the license must be designated and clearly marked as a "provisional license". Any license designated and clearly marked as provisional may be suspended by the department for a period of not more than 12 months, when records disclose that the licensee, subsequent to the issuance of the license, has been guilty of careless or negligent driving. Upon renewal the department may, for any reasonable cause as shown by its records, designate the renewal of the license as provisional; otherwise, a license in usual form must be issued in accordance with other provisions of the laws of Montana.~~

~~(6)(5) It is unlawful for any person to have in the person's possession or under the person's control more than one valid Montana driver's license at any one time. A license is not valid for the operation of a motorcycle or quadricycle until unless the holder of the license has completed the requirements of 61-5-110 and the license has been clearly marked with the words "motorcycle endorsement". A license is not valid for the operation of a commercial vehicle until unless the holder of the license has completed the requirements of 61-5-110 and the license has been clearly marked with the words "commercial driver's license".~~

~~(7)(6) Fees for driver's licenses are:~~

- ~~(a) driver's license, except a commercial driver's license -- \$4 per year or fraction of a year;~~
- ~~(b) motorcycle endorsement -- 50 cents per year or fraction of a year;~~
- ~~(c) commercial driver's license:~~
 - ~~(i) interstate -- \$5 per year or fraction of a year;~~
 - ~~(ii) intrastate -- \$3.50 per year or fraction of a year.~~

~~(8)(7) The holder of a valid chauffeur's license may convert or renew the chauffeur's license to a commercial driver's license by paying the appropriate fee covering the remainder of the life of the license and complying with the requirements established by the department.~~

~~(9) The holder of a valid chauffeur's license who is renewing and wishes to obtain a commercial driver's license may do so upon paying the appropriate fees and complying with the requirements established by the department.~~

~~(10) A person may not renew a driver's license by mail until the person has received a digital license issued by the department. As used in this subsection, the term "digital license" means a license having a~~

1 ~~computer imaged photograph and signature."~~

3 Section 6. Section 61-5-121, MCA, is amended to read:

4 "61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses ~~provided for~~
5 ~~in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), and commercial driver's~~
6 ~~licenses, provided for in 61-5-111(7)(c), and from~~ duplicate driver's licenses provided for in 61-5-114 ~~in~~
7 as follows:

8 (a) The amount of ~~25%~~ 16.7% of each driver's license fee and of each duplicate driver's license
9 fee must be deposited into an account in the state special revenue fund. The department shall transfer the
10 funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided
11 in 19-6-404.

12 (b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount
13 of ~~3.75%~~ 2.5% of each driver's license fee and of each duplicate driver's license fee must be deposited
14 into the county general fund.

15 (ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must
16 be deposited into the general fund.

17 (c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount
18 of ~~5%~~ 3.34% of each motorcycle endorsement must be deposited into the county general fund.

19 (ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must
20 be deposited into the general fund.

21 (d) The amount of ~~8.75%~~ 5.85% of each driver's license fee and of each duplicate driver's license
22 fee must be deposited into the state traffic education account.

23 (e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount
24 of ~~62.5%~~ 74.95% of each driver's license fee and of each duplicate driver's license fee must be deposited
25 into the state general fund.

26 (f) If the fee is collected by the county treasurer or other agent of the department, the amount of
27 ~~3.75%~~ 2.5% of each commercial driver's license fee must be deposited into the county general fund,
28 otherwise all of the fee must be deposited in the state general fund.

29 (g) The amount of ~~85%~~ 63.46% of each motorcycle endorsement fee must be deposited into the
30 state traffic education account in the state special revenue fund, and the amount of 33.2% of each

1 motorcycle endorsement fee must be deposited into the state general fund.

2 (2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
3 duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county
4 treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county
5 general fund. The county treasurer or agent shall then remit to the state treasurer all remaining fees,
6 together with a statement indicating what portion of each fee is to be deposited into the account in the
7 state special revenue fund, as provided in subsection (1)(a), and in the state general fund. The state
8 treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a)
9 and (1)(d) through (1)(g).

10 (b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
11 duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer,
12 together with a statement indicating what portion of each fee is to be deposited into the account in the
13 state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state
14 general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided
15 in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)."

16
17 NEW SECTION. Section 7. Applicability. [This act] applies to a person who, on or after October
18 1, 1995, applies for a Montana driver's license or who seeks to renew a Montana driver's license that
19 expires on or after October 1, 1995.

20
21 NEW SECTION. Section 8. Effective dates. (1) [Section 4 and this section] are effective on
22 passage and approval.

23 (2) [Sections 1 through 3 and 5 through 7] are effective October 1, 1995.

24 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0248, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill generally revising laws pertaining to driver licensing and examination; creating a cooperative driver testing program in conjunction with a state-approved high school traffic education course; extending the term of a driver's license in certain circumstances; providing for electronic transfer of driving records; adjusting the disposition of license fees.

ASSUMPTIONS:

Department of Justice:

1. (a) In FY96, 50 of the schools expressing an interest in the cooperative driver testing program will participate in the program and in FY97, 70 schools will participate.
(b) About 6,000 (12,000 x 50%) of the total number of students participating annually in the driver education program will participate in this cooperative driver testing program in FY96 and 8,400 students (12,000 x 70%) in FY97.
(c) The same percentage of waivers issued during the pilot cooperative driver testing program will apply during FY96 and FY97. Therefore, in FY96, 5,880 (6,000 x 98%) knowledge tests will be waived through this program and in FY97, 8,230 (8,400 x 98%). In FY96 about 1,080 (6,000 x 20% less 10% sampling tested) driving skills tests will be waived through this program and in FY97 about 1,512 driving skills tests will be waived (8,400 x 20% less 10% sampling tested).
2. Staff hours currently devoted to testing and available for reassignment after implementation of the cooperative driver testing program established by HB248 (estimated to be 546 hours (0.26 FTE) in FY96 and 771 hours (0.37 FTE) in FY97 will be reassigned to provide service to the public to reduce waiting lines and to perform other duties. This will help the department to continue providing service to the public with the present law base FTE.
3. During the four-year staggered implementation phase of the conversion to eight-year driver licenses, 50% of the driver licenses issued will be four-year licenses and 50% will be eight-year licenses.
4. The percentage of driver licenses issued to individuals under the age of 21 and over the age of 75 will remain constant and the increasing population between the ages of 21 and 75 will offset any fiscal impact of HB248 on the under-21 and over-75 population.
5. Allocation percentages for the driver license fees have been adjusted so that the additional revenue from the transition to eight-year licenses will increase general fund revenue by about \$1.64 million annually during the eight-year phase-in period (\$3.28 million x 50%). The total revenues earmarked for the state special revenue accounts will remain approximately the same as under present law.

(Continued)

 1.24.95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/25/94
ERNEST BERGSAGEL, PRIMARY SPONSOR DATE

Fiscal Note for HB0248, as introduced

HB 248

(continued)

ASSUMPTIONS:

Office of Public Instruction:

6. Under present law, the state traffic education account receives 8.75% of each driver's license fee and of each duplicate driver's license fee. The changes in the renewal cycle and the reallocation of revenues proposed in HB248 will provide the same amount of revenue to the state traffic education account from driver's license fees and motorcycle endorsements in each year of the 1997 biennium as the revenue estimated under present law.

FISCAL IMPACT:

Revenues:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
General Fund (01)	1,630,000	1,640,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The changes in the renewal cycle and the reallocation of revenues proposed in HB248 will provide the same amount of revenue to county general funds from driver's license fees and motorcycle endorsements in each year of the 1997 biennium as the revenue estimated under present law.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The annual increase in revenue due to a longer license period should be realized during the eight year implementation period until all present licenses are converted. Beginning in fiscal year 2004, except for adjustments for growth or decline in the number of active driver licenses, general fund revenue should decrease to a level approximating the 1997 biennium present law estimates. Revenue to the state special revenue accounts should decrease below 1997 biennium present law estimates because of the decrease in the applicable percentage rates.

HOUSE HIGHWAYS & TRANSPORTATION

Page 2

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

HB0219	KOTTEL, DEB		SPECIAL VEHICLE REGISTRATION FOR MONTANA RESIDENTS ON ACTIVE MILITARY DUTY		
	1/16	1/25	DO PASS AS AMENDED 1/25 VOTE: 17-0		1/26
HB0246	QUILICI, JOE		DEPT OF TRANSPORTATION AUTHORITY FOR "NO BID" CONTRACTS UNDER \$50,000		
	1/17	1/20	DO PASS 1/23 VOTE: 17-1		1/24
HB0248	BERGSAGEL, ERNEST		REVISE DRIVER'S LICENSING LAWS		
	1/17	1/20	PASS AS AMENDED 2/3 VOTE: 18-0		2/06
HB0249	MARSHALL, ROD		GENERALLY REVISING LOCAL GOVERNMENT TRAFFIC REGULATION		
	2/07	2/13	PASS AS AMENDED 2/15 VOTE: 17-1		2/16
HB0254	EWER, DAVID		EXPAND FACTORS TO SET SPEED LIMIT\REQUIRE LOCAL APPROVAL OF DOT SPEED LIMIT		
	1/18	1/27	TABLED ON 02/15 VOTE:		
HB0294	OHS, KARL		INCREASE PENALTY FOR PASSING IN NO-PASSING ZONE		
	1/20	1/27	PASS AS AMENDED 1/30 VOTE: 17-1		2/02
HB0314	CURTISS, AUBYN		CREATE A SPECIAL LICENSE PLATE FOR VOLUNTEER FIREFIGHTERS		
	1/23	1/30	TABLED ON 01/30 VOTE: 15-3		
HB0364	MILLS, NORM		ALLOW RAILROAD TO CONDUCT SERVICE SYSTEM TEST PRIOR TO CLOSING FACILITY		
	1/28	2/10	DO PASS 2/13 VOTE: 12-6		2/15
HB0396	HAYNE, HARRIET		CLARIFY RESPONSIBILITY FOR COSTS OF MOVING WIRES/POLES WHEN MOVING HOUSES		
	2/01	2/10	DO PASS 2/15 VOTE: 17-0		2/16
HB0448	SOMERVILLE, ROGER		RAILROAD RIGHT-OF-WAY FIRE HAZARD REDUCTION		
	2/06	2/13	PASS AS AMENDED 2/13 VOTE: 17-1		2/15
HB0456	REAM, BOB		PROVIDE FUNDING & RULES REGARDING PICK-UP & DISPOSAL OF ROAD-KILLED WILDLIFE		
	2/07	2/13	TABLED ON 02/13 VOTE: 16-2		
HJ0013	HAGENER, TONI		RESOLUTION URGING SUPPORT FOR DAILY AMTRAK PASSENGER SERVICE THRU MONTANA		
	1/20	1/27	DO PASS 1/27 VOTE: 17-1		1/31

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN SHIELL ANDERSON, on January 20, 1995,
at 3:06 p.m.

ROLL CALL

Members Present:

Rep. Shiell Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Matt Brainard (R)
Rep. Robert C. Clark (R)
Rep. Charles R. Devaney (R)
Rep. Marian W. Hanson (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Jeanette S. McKee (R)
Rep. William M. "Bill" Ryan (D)
Rep. Dore Schwinden (D)
Rep. Roger Somerville (R)
Rep. Joe Tropila (D)
Rep. Jack Wells (R)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Kim Greenough, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 246
HB 248
HB 194

Executive Action: HB 111 Do Pass

Questions From Committee Members and Responses:

REP. MATT BRAINARD asked if the State would save money with the passage of this bill. REP. ELLEN BERGMAN replied that the State would save \$200,000.

Closing by Sponsor:

REP. ELLEN BERGMAN thanked the committee and urged their support.

{Tape: 1; Side: A; Approx. Counter: 706; Comments: None.}

HEARING ON HB 248Opening Statement by Sponsor:

REP. ERNEST BERGSAGEL, House District 95, Malta, stated that HB 248 would allow schools to participate in the testing for drivers licensing. He said the bill came to the legislature during the special session in 1993. He stated that HB 248 would also move the four-year renewal to an eight-year renewal with provisions for people under 21 and over 75 years of age. The reasons for those provisions is the proof of accidents in those age groups. He said that having eight-year renewals instead of four-year renewals will provide an increase in revenue to the State of Montana. He also added that he would like to offer a technical amendment. SEE EXHIBIT 4.

Proponents' Testimony:

Brenda Nordland, Assistant Attorney General, Motor Vehicle Division, Montana Department of Justice, spoke in support of HB 248. SEE EXHIBIT 4 AND 6.

Dean Roberts, Administrator, Motor Vehicles Division, Montana Department of Justice, stated that he was the head of the task force concerning this issue.

Robert Runkel, Office of Public Instruction, stated that he supported HB 248. This would allow schools to take part in the drivers licensing process.

Mike Bulluck, Supervisor, Drivers Education Program, Helena Public Schools, stated he supported HB 248 and the pilot program he conducted was successful.

Roger McGlenn, Executive Director, Independent Insurance Agents Association of Montana, stated he was a member of the task force and supported HB 248.

Dan Purcell, Montana Traffic Safety Association, spoke in support of HB 248.

Opponents' Testimony: None

{Tape: 1; Side: B; Approx. Counter: 002; Comments: New Side.}

Informational Testimony: None

Questions From Committee Members and Responses:

REP. JOE TROPILA asked if HB 248 had a fiscal impact. Brenda Nordland replied yes, that more money would go into the general fund in the next four years.

REP. JOE TROPILA asked if counties would lose revenue. Ms. Norland answered no.

REP. ROGER SOMERVILLE asked how much it would cost an individual who has had their license suspended to get it renewed. Ms. Nordland replied that HB 248 would not change that incident, but would result in a duplicate license fee.

REP. DAN MCGEE asked if the insurance industry had done research showing that most accidents occur with people up to the age of 21. Roger McGlenn replied that in the personal automobile insurance the age of youthful operators are rated higher than adult operators. The age will vary from company to company. The statistics definitely show that youthful operators have a higher number of accidents.

REP. DAN MCGEE stated that he was concerned about the 21 year age limit on the four-year renewal. Mr. McGlenn replied that this bill would have no insurance impact.

Dean Roberts supplied the committee with statistics on young drivers. SEE EXHIBIT 5.

DAN MCGEE asked if there were problems with drivers between the age of 21 and 25. He also stated that he had received a lot of mail in opposition to an eight year license renewal. Ms. Nordland replied that the 21 year age limit is a practical consideration because that is the current drinking age and the state is already having several transactions at this age because these people want to change their licenses from a youthful license to an adult license.

REP. BOB CLARK asked if there was an age limit on people who would be able to go through the cooperative drivers testing and training program. Mr. Roberts replied to his understanding they had to be in high school. REP. CLARK asked if the school board could allow older people to participate in these programs. Mr. Roberts replied yes.

REP. BOB CLARK asked if this bill would cost the State additional funds. Ms. Nordland replied that it would come out of the individuals' pockets for the renewal fees. So, it would not cost the State additional funds.

REP. ROD MARSHALL asked how they came up with the 75 year old age cap. Ms. Nordland replied that they used a California study and between the ages of 70 to 74 the rate of accidents go up. She also reported that the older driver drives less and has more accidents.

REP. ROGER SOMERVILLE asked if there were any private drivers education schools. Ms. Nordland replied that HB 248 would implement a new program without using additional full time employees. Mr. Roberts added that Montana does not currently have a private school available and that the government is not ready to give up the revenue from the Drivers Education program.

REP. JACK WELLS asked if it would take four or eight years to have everyone with an eight-year license. Ms. Nordland replied that in the second four-year window everyone would have an eight-year license.

REP. JACK WELLS asked why the fees would change. Ms. Nordland replied currently the State is making \$16 per license with this bill the State will make \$32 per license because it will be an eight-year license instead of an four-year.

REP. ROGER SOMERVILLE asked if these new licenses will be the new credit card type license. Ms. Nordland replied yes, they would be the digitized licenses.

REP. ROGER SOMERVILLE asked if this will cause people to renew their licenses earlier than planned and if it would throw off the schedule mentioned. Ms. Nordland replied the law specifies a window for the renewal process. Currently the window is six months. If HB 248 passes it will be an nine-month window.

REP. PAT GALVIN stated that his license expires in 1996 and he will be 70 years old. He asked if he would have an eight-year license at that time. Ms. Nordland replied no, he would have a five-year license at that time. Then when he would turn 75 he would have a four-year license from then on.

REP. PAT GALVIN asked if his renewal will be an odd day on the first of July. Ms. Nordland replied yes.

REP. PAT GALVIN asked if he would be subjected to the visual exam. Ms. Nordland replied yes.

REP. MARIAN HANSON asked how these licenses would be prorated. Ms. Nordland replied that current law already provides that it will be \$4 per year.

CHAIRMAN SHIELL ANDERSON asked if there will be a renewal notice. Ms. Nordland replied no. Mr. Roberts added that there have never been notices sent.

CHAIRMAN SHIELL ANDERSON asked if the commercial drivers license holders would receive a notice. Mr. Roberts replied no. CHAIRMAN ANDERSON asked if it would be possible to amend the bill to add that the State notify commercial drivers license holders. Mr. Roberts replied that there would be a nine-month window for these people. He also added that they should know when their licenses expire as it is their livelihood. He stated that presently the commercial drivers license holder has to have a physical examination every two years.

CHAIRMAN SHIELL ANDERSON asked if it would be possible to have these notices sent out and be funded by the renewal fee. Mr. Roberts replied yes, that they used to send a postcard and the citizen would pay the fee.

Closing by Sponsor:

REP. ERNEST BERGSAGEL stated that if the committee wanted to send out notices on the commercial drivers licenses, he would recommend not to do it on this bill. He stated that this is a private license bill. He also added that new licenses are a law enforcement program and the digital system sends out photos nationwide.

{Tape: 1; Side: B; Approx. Counter: 275; Comments: None.}

EXECUTIVE ACTION ON HB 111

Motion: REP. MARIAN HANSON MOVED HB 111 DO PASS.

Discussion:

CHAIRMAN SHIELL ANDERSON asked for information regarding the labor union.

Tom Schneider stated that there is a problem with the language in Section 2, paragraph 2. He also said that he does not have a problem with the bill as written. If the language is taken out the Department will not support it.

CHAIRMAN SHIELL ANDERSON asked if these officers have a contract. Mr. Schneider replied no.

{Tape:2; Side: A; Approx. Counter: 003; Comments: New tape.}

Motion: REP. DAN MCGEE MOVED TO AMEND HB 111.

HOUSE OF REPRESENTATIVES

Highways

ROLL CALL

DATE 01-20-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Shiell Anderson, Chairman	✓		
Rep. Rick Jore, Vice Chairman, Majority	✓		
Rep. Pat Galvin, Vice Chairman, Minority	✓		
Rep. Joe Barnett	✓		
Rep. Matt Brainard	✓		
Rep. Bob Clark	✓		
Rep. Charles Devaney	✓		
Rep. Marian Hanson	✓		
Rep. Don Larson	✓		
Rep. Rod Marshall	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Jeanette McKee	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden	✓		
Rep. Roger Somerville	✓		
Rep. Joe Tropila	✓		
Rep. Jack Wells	✓		

Amendments to House Bill 248
First Reading Copy

Requested by Department of Justice
Prepared by
Beth Baker, Department of Justice

1. Page 8, line 8.
Following: "and"
Insert: "25%"
2. Page 8, line 13.
Following: "and"
Insert: "3.75%"
3. Page 8, line 21.
Following: "and"
Insert: "8.75%"
4. Page 8, line 24.
Following: "and"
Insert: "62.5%"

1993 DRIVER / ACCIDENT STATISTICS

Furnished by:
Montana Highway Patrol Division and Motor Vehicle Division

<u>Age of Driver</u>	<u>All Accidents</u>	<u>Total Licensed Drivers</u>	<u>Percentage of Acc/Drivers by Age</u>
15	805	5,690	14.15%
16	1,231	9,316	13.21%
17	1,294	10,964	11.80%
18-19	2,424	23,521	10.31%
20-24	4,216	64,737	6.51%
25-34	6,296	141,618	4.45%
35-44	5,722	162,783	3.52%
45-54	3,329	116,058	2.87%
55-64	2,013	76,628	2.63%
65-74	1,494	67,687	2.21%
75 & older	1,077	60,743	1.77%
Totals	29,901	739,745	4.04%

EXHIBIT 60
DATE 01-20-95
HB 248

DEPARTMENT OF JUSTICE
House Bill 248: Driver Licensing Revisions

Purpose

- ▶ Allows the Department of Justice, in cooperation with the Office of Public Instruction and interested school districts, to implement a statewide cooperative driver testing program
- ▶ Changes the term of a driver's license from 4 to 8 years for most drivers
- ▶ Clarifies driver licensing eligibility requirements and allows electronic records transfer

Background

HB 248 incorporates the recommendations of a 12-member task force that spent four months analyzing the process by which Montana drivers are licensed. Appointed by Attorney General Joe Mazurek, the task force included representatives from the Legislature, the insurance industry, law enforcement, and state and local government. Its objective was to find ways, given reductions in staffing, to make driver licensing more efficient without jeopardizing public safety.

▶ Cooperative Driver Testing Program

HB 248 authorizes a voluntary cooperative driver testing program (CDTP) for those school districts and instructors that choose to participate and are approved by the Department of Justice and Office of Public Instruction.

On average, 12,000 students complete driver education courses in Montana each year. When the course ends, the graduates overwhelm driver exam stations seeking licensure. It takes a driver examiner approximately 4 minutes to distribute and correct a written knowledge test and at least 15 minutes to administer a road test. The task force found that significant time savings could be achieved by allowing driver education instructors, who are familiar with the individual student drivers, to administer written and road tests to that student. If the student passes, the instructor would certify that student for a testing waiver by the Department.

To ensure the safety of the driving public, only those instructors who comply with regulations of the Department and the Superintendent of Public Instruction will be authorized to certify testing waivers. CDTP will be available only to school districts that wish to take advantage of the program.

A pilot CDTP program in Helena School District No. 1, with 900+ students participating, demonstrated the potential effectiveness of the program. Most students received at least written testing waivers, significantly reducing the time required to examine these students and issue their licenses. Inconvenience to parents and students was also reduced by minimizing time spent in often long, slow-moving lines at busy driver exam stations.

► Age-Restricted Eight-Year Driver Licenses

HB 248 increases the length of time that a driver's license is valid from four to eight years, except for drivers under age 21 or over age 75.

For most Montana drivers, driver's license renewals every four years involves paying the license fee, taking a vision test, and getting an updated photograph. Although the 53rd Legislature authorized mail renewal for drivers with good driving records, the task force concluded that an eight-year driver's license for persons between the age of 21 and 75 would be less bureaucratic and more efficient without jeopardizing driver safety.

For licensees under age 21, the task force recommended that the license expire upon the person's 21st birthday. There are two principal reasons for this age distinction.

→ Most youthful drivers already request a new driver's license when they turn 21, so they have evidence of adulthood. Requiring that new license would put these drivers on notice that their driving records prior to age 21 could be the subject of a counselling session upon license renewal.

→ The accident rate of Montana drivers age 19 and under is significantly higher than for those over 25. Likewise, national statistics show that the crash rate per mile for drivers 15-20 years old is about 4 times as high as the rate for adults.

Older drivers are also a special concern. Studies show that when adjusted for miles driven, older drivers' accident involvement rate rivals that of teens and increases notably at age 75, even though drivers less than ten years younger (ages 65-69) enjoy the lowest mile-adjusted accident rate of all. Both the youngest and oldest drivers (except those 85 and older) have higher mileage-adjusted citation rates.

The task force recommended that four-year license cycles commence upon a driver's seventy-fifth birthday.

HB 248 will improve efficiency of driver examination and will lessen the amount of time most Montanans spend at driver exam stations to renew their driver's licenses. The result: a more convenient process for Montana drivers with no adverse effect on public safety.

January 20, 1995

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Highways

COMMITTEE

BILL NO.

HB 246, HB 248DATE 01-20-95

SPONSOR(S)

Rep. Quilici, Rep. Burghman,
Rep. Bergagel

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Jay T Andrew		194		X
Dean Roberts	Dept of Justice	248		X
Bruce Barrett	Dept of Trans	194		X
Roger McGlen	INDEPENDENT AGENTS Assoc. of MT	248		X
Brenda Nordlund	DOJ	248		X
Dan Purcell	MT Traffic Safety			X
Robert Punkel	OPI	248		X
Mike Baillock	Helena Public School	248		X
Jeri Linder	Dist 36	246		X
Jim Shockey	Eng & Surv Board	147		
Carl Schweitzer	Mont Cont Air	246		X
John Blacker	MDT	194		X
GARY GILMORE	MDT	246		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN SHIELL ANDERSON, on February 3, 1995,
at 3:08 P.M.

ROLL CALL

Members Present:

Rep. Shiell Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Matt Brainard (R)
Rep. Robert C. Clark (R)
Rep. Charles R. Devaney (R)
Rep. Marian W. Hanson (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Jeanette S. McKee (R)
Rep. William M. "Bill" Ryan (D)
Rep. Dore Schwinden (D)
Rep. Roger Somerville (R)
Rep. Joe Tropila (D)
Rep. Jack Wells (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Council
Kim Greenough, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: None
Executive Action: HB 248 Do Pass as Amended

{Tape: 1; Side: A; Approx. Counter: 002; Comments: None.}

EXECUTIVE ACTION ON HB 248

Motion: REP. PATRICK GALVIN MOVED HB 248 DO PASS.

Motion: REP. JOE BARNETT MOVED TO AMEND HB 248.

Discussion:

REP. JOE BARNETT explained his amendments. SEE EXHIBIT 1. He then asked if someone from the Department of Transportation could explain some of the amendments. CHAIRMAN SHIELL ANDERSON said without objection from the committee. No one objected.

Brenda Nordland, Department of Justice, Montana Department of Transportation, stated that REP. BARNETT's amendments adjust the percentages downward. The reason the adjustments were made were because for the next four years there would be a significant windfall. She also stated that it would be inappropriate to assess a duplicate fee for a duplicate license in the next four years, so, REP. BARNETT's amendments also strike that phrasing. She also stated the amendments will add an additional section stating that in four years the windfall will end and there will not be a need for some of the new language.

Motion/Vote: The question was called on REP. JOE BARNETT's amendments. Motion CARRIED unanimously.

Motion: CHAIRMAN SHIELL ANDERSON MOVED TO AMEND HB 248.

Discussion:

CHAIRMAN SHIELL ANDERSON explained his amendments. SEE EXHIBIT 2. He stated that his amendment would notify commercial drivers license holders when their licenses were about to expire.

REP. LINDA McCULLOCH asked who would pay for these notices.

CHAIRMAN ANDERSON asked if the committee would object to having Dean Roberts answer REP. McCULLOCH's question. No one objected.

Dean Roberts, Department of Transportation, stated that the commercial drivers license holder would pay for the notice.

REP. JOE BARNETT stated that the postage could go up from the time the person receives their commercial drivers license to the time it would expire.

Motion/Vote: The question was called on CHAIRMAN SHIELL ANDERSON's amendment. Motion CARRIED unanimously.

Motion/Vote: REP. BILL RYAN MOVED HB 248 DO PASS AS AMENDED. The question was called. Motion CARRIED unanimously.

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

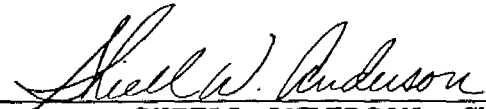
February 3, 1995

Page 3 of 3

{Tape: 1; Side: A; Approx. Counter: 346; Comments: None.}

ADJOURNMENT

Adjournment: 3:20 P.M.



REP. SHIELL ANDERSON, Chairman



KIMBERLEE GREENOUGH, Secretary

SA/ksg

HOUSE OF REPRESENTATIVES

Highways

ROLL CALL

DATE February 03, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Shiell Anderson, Chairman	✓		
Rep. Rick Jore, Vice Chairman, Majority	✓		
Rep. Pat Galvin, Vice Chairman, Minority	✓		
Rep. Joe Barnett	✓		
Rep. Matt Brainard	✓		
Rep. Bob Clark		✓ Late	
Rep. Charles Devaney	✓		
Rep. Marian Hanson	✓		
Rep. Don Larson	✓	Late 3:15pm	
Rep. Rod Marshall	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Jeanette McKee	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden	✓		
Rep. Roger Somerville	✓		
Rep. Joe Tropila	✓		
Rep. Jack Wells	✓		



HOUSE STANDING COMMITTEE REPORT

February 3, 1995

Page 1 of 2

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 248 (first reading copy -- white) do pass as amended.

Signed: Shiell W. Anderson
Shiell Anderson, Chair

And, that such amendments read:

1. Title, line 12.

Following: "DATES"

Strike: "AND"

Insert: ", "

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

2. Page 6, line 23.

Following: line 22

Insert: "(d) The department shall mail a driver's license renewal notice no earlier than 60 days and no later than 30 days prior to the expiration date of a commercial driver's license if the licensee has previously submitted a written request for the notice, either at the time of initial application or of renewal of the license."

3. Page 6, line 23.

Strike: "subsection"

Insert: "subsections"

4. Page 8, line 8.

Following: "and"

Insert: "25%"

Committee Vote:

Yes 8, No 0.

291615SC.Hdh

5. Page 8, line 13.
Following: "and"
Insert: "3.75%"

6. Page 8, line 21.
Following: "and"
Insert: "8.75%"

7. Page 8, line 24.
Following: "and"
Insert: "62.5%"

8. Page 9, line 24.
Insert: "NEW SECTION. Section 9. Termination. [Section 6]
terminates September 30, 1999."

-END-

EXHIBIT 1

DATE HB 248

HB 02-3-95

Amendments to House Bill No. 248
First Reading Copy

Requested by Rep. Barnett
For the Committee on Highways

Prepared by Valencia Lane
(at request of Dept. of Justice)
January 26, 1995

1. Title, line 12.
Following: "DATES"
Strike: "AND"
Insert: ", "
Following: "DATE"
Insert: ", AND A TERMINATION DATE"
2. Page 6, line 23.
Strike: "subsection"
Insert: "subsections"
3. Page 8, line 8.
Following: "and"
Insert: "25%"
4. Page 8, line 13.
Following: "and"
Insert: "3.75%"
5. Page 8, line 21.
Following: "and"
Insert: "8.75%"
6. Page 8, line 24.
Following: "and"
Insert: "62.5%"
7. Page 9, line 24.
Insert: "NEW SECTION. Section 9. Termination. [Section 6]
terminates September 30, 1999."

EXHIBIT 2
DATE HB 248
HB 02-03-95

Amendments to House Bill No. 248
First Reading Copy (white)

Requested by Senator Anderson
For the Committee on Highways

Prepared by Valencia Lane
January 31, 1995

1. Page 6, line 23.

Following: line 22

Insert: "(d) The department shall mail a driver's license renewal notice no earlier than 60 days and no later than 30 days prior to the expiration date of a commercial driver's license if the licensee has previously submitted a written request for the notice, either at the time of initial application or of renewal of the license."

SENATE HIGHWAYS & TRANSPORTATION

Page 2

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

HB0248	BERGSAGEL, ERNEST		REVISE DRIVER'S LICENSING LAWS					
	2/20	3/07	3/07 3/14	CONCUR AS AMENDED	3/14	VOTE: 8-1		3/16
HB0294	OHS, KARL		INCREASE PENALTY FOR PASSING IN NO-PASSING ZONE					
	2/07	3/02	3/02	CONCUR AS AMENDED	3/02	VOTE:		3/04
HB0318	ROSE, JOHN		SPECIAL PARKING PERMIT FOR TRANSPORTATION OF DISABLED					
	2/20	3/07	3/07	CONCUR	3/07	VOTE: 9-0		3/09
HB0364	MILLS, NORM		ALLOW RAILROAD TO CONDUCT SERVICE SYSTEM TEST PRIOR TO CLOSING FACILITY					
	2/21	3/09	3/09 3/14	ADVERSE RPT ADOPT	3/14	VOTE:		3/16
HB0396	HAYNE, HARRIET		CLARIFY RESPONSIBILITY FOR COSTS OF MOVING WIRES/POLES WHEN MOVING HOUSES					
	2/21	3/21	3/21 3/22	CONCUR AS AMENDED	3/22	VOTE:		3/24
HB0448	SOMERVILLE, ROGER		RAILROAD RIGHT-OF-WAY FIRE HAZARD REDUCTION					
	2/21	3/09	3/09 3/14	CONCUR	3/14	VOTE: 8-1		3/16
HJ0013	HAGENER, TONI		RESOLUTION URGING SUPPORT FOR DAILY AMTRAK PASSENGER SERVICE THRU MONTANA					
	2/04	3/09	3/09 3/14	CONCUR AS AMENDED	3/14	VOTE:		3/16
HJ0023	CLARK, ROBERT		DESIGNATE HARLOWTON AS FUTURE SITE OF A RAILROAD MUSEUM & RESEARCH CENTER					
	2/21	3/16	3/16	CONCUR	3/16	VOTE:		3/18
SB0034	SWYSGOOD, CHUCK		REVISE COMMERCIAL DRIVER DUI AND COMMERCIAL VEHICLE LAWS					
	1/02	1/10	1/10 1/17	DO PASS	1/17	VOTE: 9-0		1/18
SB0043	BECK, TOM		ALLOWS MDOT CONSERVATION EASEMENTS; ELIMINATES RIGHT TO REDEEM SALE					
	1/03	1/10	1/10 1/17 1/24	TABLED ON	01/24	VOTE: 9-0		
SB0047	SWYSGOOD, CHUCK		STAGGERED REGISTRATION OF CERTAIN COMMERCIAL VEHICLE FLEETS; FEES CLARIFIED					
	1/03	1/12	1/12 1/19	DO PASS	1/19	VOTE: 9-0		1/20
SB0049	SWYSGOOD, CHUCK		REVISING CERTAIN GVW FEES AND FLEET LICENSING LAWS; TAX EXEMPTION					
	1/04	1/12	1/12 1/24	PASS AS AMENDED	1/24	VOTE: 9-0		1/25

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN LARRY TVEIT, on March 7, 1995, at
2:57 p.m. in Room 410.

ROLL CALL

Members Present:

Sen. Larry J. Tveit, Chairman (R)
Sen. Charles "Chuck" Swysgood, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Arnie A. Mohl (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Barry "Spook" Stang (D)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Council
Carla Turk, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 86
HB 111
HB 248
HB 318

Executive Action: HB 318
HB 86

HEARING ON HB 318

Opening Statement by Sponsor:

REPRESENTATIVE SAM ROSE, HD 87, Choteau, said HB 318 was senior citizen oriented. He stated that small communities had vans for transporting senior citizens to urban areas for shopping. He said there were no legal unloading zones available. He reported

Closing by Sponsor:

REPRESENTATIVE ROSE stated lines 21 & 22 addressed the questions SENATOR JABS had raised regarding how long these vehicle could remain in the handicap area. He thanked the Committee for the Hearing and closed.

CHAIRMAN TVEIT ANNOUNCED THE HEARING ON HB 318 AS CLOSED.

HEARING ON HB 248Opening Statement by Sponsor:

REPRESENTATIVE ERNEST BERGSAGEL, HD 95, Malta, said the Bill had evolved, as a result of previous legislation which cut drivers license examination stations throughout Montana. He said a Task Force had been created to study the efficiencies, and privatization methods for drivers license stations. He said HB 248 was one of the results of this process. REPRESENTATIVE BERGSAGEL said he and SENATOR GREG JERGESON had served on the Task Force, and felt the Senator could answer any questions the Committee may have, along with the Department of Justice who was present. He stated having another hearing in progress, in another Committee, and asked to reserve the right for SENATOR JERGESON to close, if he deemed it necessary.

Proponents' Testimony:

Brenda Nordlund, Department of Justice, reiterated that HB 248 was a product of the Drivers License Task Force, and stated they had already heard SB 34, which was another piece of Task Force work that privatized commercial drivers license testing. She said HB 248 contained the two other primary components of the Task Force recommendations, which were a Cooperative Driver Training Program, and the extension of the drivers license from a 4-year term to an 8-year term.

Ms. Nordlund said the Cooperative Driver Training Program would be a program that was the cooperative effort between the Office of Public Instruction (OPI), the Department of Justice, and interested school districts who were currently offering drivers education services to their students. She said the Cooperative Driver Training Program would allow school districts, who chose to participate, the ability for driver education instructors to administer the knowledge or road tests to their students. She stated these tests were normally given by Department of Justice employees, prior to licensure. She said that if the instructor chose to certify the successful completion of those tests, by their students to the Department, HB 248 would give the Department the ability to waive those testing requirement for the

certified student. She said the waiver was optional, as was the choice to participate in the Program, by local school districts. She stated the advantage of the Cooperative Drivers Training Program was that it would allow instructors, who have an innately more familiarity with students; whom they have been on the road, in a car, with for a minimum of six hours, to observe the road test, and administer the knowledge test in the school setting. She stated that when graduating drivers education students arrived, in groups, at the drivers examination station it created a bubble in the Station's schedule. She said it took four minutes to administer and correct the knowledge test, and twenty minutes to administer a road test for each individual. She explained that each time a driver education instructor could waive a student, in a Cooperative Driver Training Program, it would alleviate some pressure off the examination stations. She stated this would afford better service to others, as the Department's goal was to improve their services without jeopardizing public safety.

Ms. Nordlund said the other portion of HB 248 dealt with the extension of the drivers license from four to eight years. She said the past legislature had adopted a mail-renewal system which allowed someone to renew their drivers license, on alternate cycles by mail. She stated that was being dropped, and the Bill would extend the drivers license to a 8-year period instead. She said there was an age restricted extension; applicants under age 21 or age 75 would not receive an 8-year drivers license. She said applicants under age 21 would be issued a license which needed renewed on their 21st birthday. She said there was already a trend that, when drivers reached the age of 21, they wanted an up-to-date frontal photo on their license. She said the other factor was to offer the opportunity for driver examiners to counsel young drivers who had already accumulated a problem driving record. She said the highest accident rate was for drivers under 21, and counseling or additional testing could be beneficial to accident prevention and safety. **Ms. Nordlund** said accidents rates also increased at age 75, so that age group would again be issued a 4-year drivers license. She said the Bill would, also, somewhat change the eligibility requirement for who was eligible to get a drivers license. She said this language appeared in Section 1, and dealt with problems the Department of Justice encountered when an individual had suffered a seizure, or loss of consciousness. She said the Department typically suspended the license of drivers with these medical factors involved. She said that the period was arbitrary, not based on individual medical conditions, so page 2, Section 1, lines 8-17 changed that criteria for non-commercial driver. She said the new language stated the Department would return the drivers license of a driver who had suffered a loss of consciousness, if their physician indicated to the Department, that the condition had been stabilized, and no longer adversely affected their ability to drive. She explained the Department of Justice did not have the medical expertise to establish individual medical conditions that determine safety factors, so

they were leaving the determination within the hands of the physicians who know and treat these individuals. She offered to answer any question on the Bill. He stated the Bill had an immediate effective date, for the purposes of the Cooperative Driver Training Program. She presented (EXHIBIT # 1) which contained a thumbnail outline of her testimony.

Mike Bullock, Supervisor for the Drivers Education Program for the Helena Public Schools, said they had been fortunate enough to pilot the Cooperative Driver Training Program, along with the Department of Justice. He said the Program had worked very well, and stated they appreciated the cooperation received from the Department. He expressed the hope that the Schools could in some way assist in alleviating the long lines at the drivers examination stations. He stated his willingness to answer any specific questions the Committee may have.

Dan Purcell, a Driver Education Instructor in Helena, and Board Member of the Montana Traffic Education Association, said they were in support of HB 248. He stated they were anxious to get the Program under way, and begin training at their spring conference. He said he had been involved in the pilot project, and would be happy to answer any questions regarding the program, itself.

Gail Gray, Assistant Superintendent, Office of Public Instruction, said they were also in support of HB 248, especially as it relates to Section 4, which created the Cooperative Driver Testing Program. She said they thought it was a good program, and their Office would be facilitating the provision of the program state-wide. She said the Program was a convenience to the public, students, parents, and to schools. She said their Office had the opportunity to work with the Department of Justice's Motor Vehicle Division, for the past two years, in the development of the Program, and had participated in the piloting of the Program in the Helena Public School System. She said the first Certification Training, which would certify Drivers Education Instructors in giving the tests, was to be held April 30th through May 2nd, 1995 in Lewistown, Montana. She said they encouraged passage of HB 248, and were available for questions which may arise.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR MOHL asked where the General Fund Revenue was to come from? **SENATOR JERGESON** referred to the companion Bill, SB 390, language and stated there would be an increase in revenue because people would be paying for an 8-year license as compared to a 4-

year license. He said it would create additional revenue for this, and the following biennium.

SENATOR MOHL asked if the fiscal note showed a duplication of revenue generation? **SENATOR JERGESON** stated he didn't feel there was any duplication. He said SB 390 reduced the \$4-annual fee for a typical drivers license to \$3, making the difference of an up-front cost for the license of \$25 rather than \$32. He said that just because there were fiscal notes on two bills on the same issue, there wasn't a duplication of impact.

SENATOR SWYSGOOD asked what the earliest age, after completing drivers training, that application could be made for a drivers license? **Dan Purcell**, said that a Montana Traffic Education Learners License (MTELL), which allowed an individual to drive with a parent, guardian, or Drivers Education Instructor, could be issued at the age of 14½. He said that at 15 years-of-age, upon successful completion of Drivers Education, the individual could get a provisional drivers license that allowed them to independently drive a vehicle. He said that at 16 years-of-age, an individual who had not had Drivers Education could apply to be licensed.

SENATOR SWYSGOOD said that under HB 248, asked if a 15 year-old would be issued a 6-year drivers license? **Ms. Nordlund** said a provisional license would not be issued for 6-years, but a regular license issued at the end of that period would be a 6-year license.

SENATOR JABS asked what time length a 75-year old would be issued a license for? **Ms. Nordlund** said that it would be for 4-years.

SENATOR JABS asked if a 74-year would be issued an 8-year license? **Ms. Nordlund** said no, the Bill was constructed to have any license, issued to someone under the age of 75, expire upon the individual's 75th birthday, and the individual would have to renew their license on the 4-year cycle.

SENATOR STANG asked if the State could get sued for age discrimination? **Ms. Nordlund** said it was possible, but she was very comfortable that the Legislation could be defended successfully. She said age was not a suspect classification under the individual dignities clause of the Montana Constitution, nor under the Unites States Constitution. He said the only test which must be met, in the course of meeting equal protection under the laws, was a rational basis test. She stated she believed that, based on the increased accident rate, the State could demonstrate for those under twenty-one and the increased accident rate per-miles-driven for those over seventy-five. She maintained that was a reasonable basis upon which to distinguish the length of a license for these drivers.

CHAIRMAN TVEIT asked how the Bill, based on the accident rate, differed from the unisex insurance law which Montana currently had in place, and asked how gender was treated within HB 248?

Ms. Nordlund referred to the accident rate chart which had been used in development of the Legislation, and stated both groups of general trends were the same for both sexes. She said it was basically a uniform trend, irrespective of sex.

SENATOR NELSON asked if the fee would be less for licenses which were issued for shorter periods of time, regarding a 74-year old person renewing? **Ms. Nordlund** the annual renewal fee would be \$3, with SB 390, so a 4-year license would be \$12, instead of the current \$16. She said there would be an actual reduction of out-of-pocket expenses for the older age population.

CHAIRMAN TVEIT said the Committee had been notified of a language conflict with other bills (**EXHIBIT # 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H**) and asked for an explanation before closing on the Bill. **Ms. Nordlund** said the conflict notice in **EXHIBIT 1A** came from **Greg Petesch**, and gave notice that HB 248 conflicted with: SB 34, the commercial drivers licensing bill signed into law, SB 390, and SB 83. She spoke to SB 34, and said the conflict arose under 61-5-110, and addressed language in HB 248, page 4, and page 5 of SB 34, **EXHIBIT 1G**, and stated she did not feel there was a conflict. She stated HB 248 said "the Department may waive a knowledge and road test for an individual who has been certified as having completed those tests by a cooperative driver training program". She said that only applied to a base drivers license, noncommercial, and for individuals who were coming out of a drivers education program. She said the amendment in SB 34, page 5, lines 5-8, **EXHIBIT # 1G**, referred to the waiver of the knowledge and skills test for a seasonal commercial drivers license. She stated that waiver was mandatory, and applied only to those individuals seeking a seasonal commercial drivers license. She said it was a waiver program driven by federal regulation, and the State paralleled federal regulations for purposes of extending the waiver. **Ms. Nordlund** said, based on these factors, she did not believe there was a conflict in the two Bills. She said the other issue regarded SB 390, in terms of the coordination of the amendments to 61-5-121, the fee distribution section of the drivers license receipt law. She said that if SB 390 passed, with the amendments this Committee had already adopted, **EXHIBIT # 1H**, the Bill would contain language to coordinate HB 248, SB 83, and SB 390. She said the only time any inconsistency in the Bills would arise, was if SB 390 were to fail. She said that failure would result in a conflict between HB 248, in the amount of money allocated for State Drivers Education, and SB 83, the de-earmarking Bill and the same amount allotted for State Traffic Education. She said that if SB 390 failed, the Legislature would have to resolve the conflict by deciding which percentage of funding they wanted to enact, and attach a coordination language in either HB 248 or SB 83. She stated she would remain available to assist with the desired coordination.

SENATOR SWYSGOOD said that while HB 248 addressed the Cooperative Driving Program, and SB 34 was the examination of applicants, they were still one in the same Code. He stated the language was identical in both Bills, except for the "may" and "must" appearing on the waiver. He said he thought there were two conflicting sets of directions, as it could be perceived that each bill contained a cooperative program. **Ms. Nordlund** said the language which set up the waiver for the third party commercial driver testing program appeared on page 6, lines 2-4 of SB 34, (**EXHIBIT # 1G**), and was a waiver based in participation of the third party commercial driver testing program and said the language had been specifically chosen to distinguish it from the cooperative driver training program. She stated there was no need for participation in any program to be a beneficiary of the waiver for a farm related service seasonal commercial drivers license. She reiterated feeling they were distinct Programs in Statute, and should be considered absolutely separate.

CHAIRMAN TVEIT stated the information was being brought before the Committee, so that any conflict could be resolved before Executive Action was taken. He said the Committee would need to make certain the Bill facilitated all of the bills' functions. **Valencia Lane** said that a conflict could not be resolved by anyone other than the Legislature. She said the final form of the Bill would be Codified and Published with the conflict within, and cautioned the Committee they did not want that to happen. She identified this as the reason **Mr. Petesch** went to great lengths to avoid the conflicts, and give the Legislature the opportunity to resolve them. **Ms. Lane** said **Mr. Petesch** had felt there was a conflict between the inserted sentence in SB 34, page 5, line 6, **EXHIBIT # 1G**, and a very similar sentence in HB 248, page 4, lines 29 and 30. She said the concern was that both Bills addressed the same subject, and he felt there was a conflict. She said **Ms. Nordlund**, who was active in drafting the Bills, had expressed feeling there was not a conflict. **Ms. Lane** said she was inclined to feel there wasn't a conflict. She said that, given **Mr. Petesch's** feelings, he had prepared an amendment for the Committee's convenience, **EXHIBIT # 1C**. She read the amendment and stated the feeling that the amendment was redundant, because she did not think the conflict existed. She said the question did need resolved, but expressed the need to impress upon the Committee the necessity to resolve conflicts.

SENATOR JERGESON asked if the minutes were reviewed, during the codification process, to determine the Legislature's intent, because the Legislature obviously had an intent for these definitions. **Valencia Lane** said they normally wouldn't, unless it was discovered there was a real problem. She thought she would look at the two bills and determine there were clearly two separate bills, two separate subjects, and two separate sentences, and would consecutively Codify both into existing law.

SENATOR MOHL asked what SB 83 dealt with? **Valencia Lane** referred to the amendments adopted for SB 390, **EXHIBIT # 1H**, page 3, amendment 10, Subsection (3) "If Senate Bill No. 83 is passed and approved and if it includes a section that amends 61-5-121, then that section is void and is superseded by [sections 2 and 3 of this act]." She said that meant that if both SB 83 and SB 390 passed, then the approved contents of SB 390 took precedence over what was in SB 83. She stated that conflict had already been addressed, when the Committee adopted the amendments to SB 390, through Codification instructions.

SENATOR JERGESON said a lot of bills had a Codification instruction section, and asked if such a section should be designed, for this, that clearly instructed the Code Commissioner that SB 34, HB 248 dealt with separate subjects? **Ms. Lane** stated they could certainly do that. She stated that once it was determined there was a conflict they could either; try to amend the conflict out of one or both of the bills, or clearly state coordination instructions that one bill was to supersede the other. She said it first had to be determined if there were conflicts which needed to be addressed.

Closing by Sponsor:

SENATOR JERGESON, made closing statements for **REPRESENTATIVE BERGSAGEL**, and stated the Task Force proved rather exciting when they began arriving at some of the different possibilities, that resulted in this Bill. He said a lot of credit, for having reached this point, should probably extended to **SENATOR STANG AND SENATOR NELSON** who were deeply involved in the whole issue of driver examination stations during the '93 Regular and Special Sessions. He said they had helped get to a point where a Task Force was developed, which came up with these recommendations.

CHAIRMAN TVEIT ANNOUNCED THE HEARING ON HB 248 AS CLOSED.

HEARING ON HB 111

Opening Statement by Sponsor:

REPRESENTATIVE CHARLES DEVANEY, HD 97, Plentywood, said he was sponsoring HB 111 at the request of the Montana Department of Transportation (MDT). He said the Bill would accomplish two purposes; to clarify the arrest authority for Motor Carrier Service Officers, and to protect the State from liability problems. He said the Bill would also allow the Department Director to authorize nonresident Motor Carrier Officers authority to enforce Montana Statute at joint ports of entry.

SENATE HIGHWAYS
EXHIBIT NO. 1
DATE 3/2/95
BILL NO. HB 248

DEPARTMENT OF JUSTICE
House Bill 248: Driver Licensing Revisions

Purpose

- ▶ Allows the Department of Justice, in cooperation with the Office of Public Instruction and interested school districts, to implement a statewide cooperative driver testing program
- ▶ Changes the term of a driver's license from 4 to 8 years for most drivers
- ▶ Clarifies driver licensing eligibility requirements and allows electronic records transfer

Background

HB 248 incorporates the recommendations of a 12-member task force that spent four months analyzing the process by which Montana drivers are licensed. Appointed by Attorney General Joe Mazurek, the task force included representatives from the Legislature, the insurance industry, law enforcement, and state and local government. Its objective was to find ways, given reductions in staffing, to make driver licensing more efficient without jeopardizing public safety.

▶ Cooperative Driver Testing Program

HB 248 authorizes a voluntary cooperative driver testing program (CDTP) for those school districts and instructors that choose to participate and are approved by the Department of Justice and Office of Public Instruction.

On average, 12,000 students complete driver education courses in Montana each year. When the course ends, the graduates overwhelm driver exam stations seeking licensure. It takes a driver examiner approximately 4 minutes to distribute and correct a written knowledge test and at least 15 minutes to administer a road test. The task force found that significant time savings could be achieved by allowing driver education instructors, who are familiar with the individual student drivers, to administer written and road tests to that student. If the student passes, the instructor would certify that student for a testing waiver by the Department.

To ensure the safety of the driving public, only those instructors who comply with regulations of the Department and the Superintendent of Public Instruction will be authorized to certify testing waivers. CDTP will be available only to school districts that wish to take advantage of the program.

A pilot CDTP program in Helena School District No. 1, with 900+ students participating, demonstrated the potential effectiveness of the program. Most students received at least written testing waivers, significantly reducing the time required to examine these students and issue their licenses. Inconvenience to parents and students was also reduced by minimizing time spent in often long, slow-moving lines at busy driver exam stations.

► Age-Restricted Eight-Year Driver Licenses

HB 248 increases the length of time that a driver's license is valid from four to eight years, except for drivers under age 21 or over age 75.

For most Montana drivers, driver's license renewals every four years involves paying the license fee, taking a vision test, and getting an updated photograph. Although the 53rd Legislature authorized mail renewal for drivers with good driving records, the task force concluded that an eight-year driver's license for persons between the age of 21 and 75 would be less bureaucratic and more efficient without jeopardizing driver safety.

For licensees under age 21, the task force recommended that the license expire upon the person's 21st birthday. There are two principal reasons for this age distinction.

→ Most youthful drivers already request a new driver's license when they turn 21, so they have evidence of adulthood. By requiring license renewal at age 21 an opportunity would be created to counsel youthful drivers regarding their driving record and habits and hopefully divert some drivers from becoming problem drivers into their adulthood.

→ The accident rate of Montana drivers age 19 and under is significantly higher than for those over 25. Likewise, national statistics show that the crash rate per mile for drivers 15-20 years old is about 4 times as high as the rate for adults.

Older drivers are also a special concern. Studies show that when adjusted for miles driven, older drivers' accident involvement rate rivals that of teens and increases notably at age 75, even though drivers less than ten years younger (ages 65-69) enjoy the lowest mile-adjusted accident rate of all. Both the youngest and oldest drivers (except those 85 and older) have higher mileage-adjusted citation rates.

The task force recommended that four-year license cycles commence upon a driver's seventy-fifth birthday.

HB 248 will improve efficiency of driver examination and will lessen the amount of time most Montanans spend at driver exam stations to renew their driver's licenses. The result: a more convenient process for Montana drivers with no adverse effect on public safety.

March 7, 1995

SENATE HIGHWAYS

EXHIBIT NO. 1A

DATE 3/7/95

BILL NO. HB 248

CONFLICT NOTICE

Date: March 6, 1995

TO: Committee on Highways

Chair: Senator Tveit

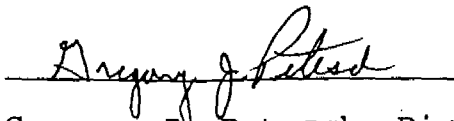
Committee Staff: Valencia Lane

This is to notify you that House Bill No. 248, now under consideration by your committee is in conflict with Senate Bill No. 34 (Ch. 53, L. 1995). Both bills amend section 61-5-110, MCA.

House Bill No. 248 also conflicts with Senate Bill No. 83. Both bills amend section 61-5-121, MCA.

It is IMPERATIVE that the conflict be resolved.

Sincerely,



Gregory J. Petesch, Director
Legal Services Division

EXHIBIT NO. 1BDATE 3/2/95BILL NO. HB 248

SB # 34 is already signed into law, and assuming that Bill contains the desired language, HB 248 needs to be amended as stated in amendment # hb024801.agp before you. The language being addressed appears in SB 34, Page 5, line 6.

Mr. Petesch's other concerns re: conflict within HB 248 and SB 83 have been addressed in the amendments for SB 390 which Valencia Lane prepared. Specifically, the coordination language appears on Page 3 of Amendment # sb039001.avl, adopted by this committee on March 3rd, 1995. If you will look at the language provision within #10., you will see (2) has provided for HB 248 and (3) has provided for SB 83. Mr. Petesch is satisfied that the amendments (sb039001.avl) satisfactorily address the amendments set forth in HB 248, SB 83 and SB 390 in regard to section 61-5-121, MCA.

Amendments to House Bill No. 248
Third Reading Copy

For the Committee on Highways

Prepared by Greg Petesch
March 6, 1995

1. Page 4, line 29.

Strike: "The"

Insert: "Unless the applicant works in a farm-related industry,
the"

SENATE HIGHWAYS

EXHIBIT NO. 1 DDATE 3/2/95BILL NO. HB 24

HOUSE BILL NO. 248

INTRODUCED BY BERGSAGEL, JERGESON, STANG, BECK, HARRINGTON, CLARK, TVEIT, KEATING,

TOEWS

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS PERTAINING TO DRIVER LICENSING AND EXAMINATION; CLARIFYING ELIGIBILITY REQUIREMENTS FOR DRIVER LICENSING; CREATING A COOPERATIVE DRIVER TESTING PROGRAM IN CONJUNCTION WITH A STATE-APPROVED HIGH SCHOOL TRAFFIC EDUCATION COURSE; EXTENDING THE TERM OF A DRIVER'S LICENSE IN CERTAIN CIRCUMSTANCES; PROVIDING FOR ELECTRONIC TRANSFER OF DRIVING RECORDS; ELIMINATING MAIL RENEWALS AND PROFILE PHOTOGRAPHS FOR MINORS; ADJUSTING THE DISPOSITION OF LICENSE FEES; AMENDING SECTIONS 61-5-105, 61-5-106, 61-5-107, 61-5-110, 61-5-111, AND 61-5-121, MCA; AND PROVIDING EFFECTIVE DATES ~~AND~~ AN APPLICABILITY DATE, AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.

HOUSE BILL NO. 248

INTRODUCED BY BERGSAGEL, JERGESON, STANG, BECK, HARRINGTON, CLARK, TVEIT, KEATING,
TOEWS

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS PERTAINING TO DRIVER LICENSING AND EXAMINATION; CLARIFYING ELIGIBILITY REQUIREMENTS FOR DRIVER LICENSING; CREATING A COOPERATIVE DRIVER TESTING PROGRAM IN CONJUNCTION WITH A STATE-APPROVED HIGH SCHOOL TRAFFIC EDUCATION COURSE; EXTENDING THE TERM OF A DRIVER'S LICENSE IN CERTAIN CIRCUMSTANCES; PROVIDING FOR ELECTRONIC TRANSFER OF DRIVING RECORDS; ELIMINATING MAIL RENEWALS AND PROFILE PHOTOGRAPHS FOR MINORS; ADJUSTING THE DISPOSITION OF LICENSE FEES; AMENDING SECTIONS 61-5-105, 61-5-106, 61-5-107, 61-5-110, 61-5-111, AND 61-5-121, MCA; AND PROVIDING EFFECTIVE DATES ~~AND~~ AN APPLICABILITY DATE, AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-5-105, MCA, is amended to read:

"61-5-105. Who may not be licensed. The department ~~shall~~ may not issue ~~any a~~ license ~~hereunder~~ under this chapter to ~~any a~~ person:

(1) who is under ~~the age of 16 years, with these exceptions of age unless:~~

(a) ~~The department may issue a driver's license to a~~ the person ~~who~~ is at least 15 years of age if ~~he and~~ has passed a driver's education course approved by the department and the superintendent of public instruction; or

(b) ~~The department may issue a restricted license to any~~ the person ~~who~~ is at least 13 years of age and, because of individual hardship, to be determined by the department, needs a restricted license;

(2) whose license ~~has been or driving privilege is currently~~ suspended ~~during the suspension, or to any person whose license has been~~ revoked, except as provided in 61-5-208 in this or any state;

(3) who is ~~an habitual drunkard, or is~~ addicted to the use of alcohol or narcotic drugs;

(4) who has previously been adjudged to be afflicted with or suffering from any mental disability

1 or disease and who, at the time of application, has not ~~at the time of application~~ been restored to
2 competency by the methods provided by law;

3 (5) who is required by this chapter to take an examination, ~~unless the person shall have~~
4 ~~successfully passed such examination~~;

5 (6) who ~~is~~ has not deposited proof of financial responsibility when required under the provisions
6 of the motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and
7 ~~who has not deposited such proof~~ chapter 6 of this title; or

8 (7) who ~~is suffering from any form of epileptic type seizures or similar disorders~~ has any condition
9 characterized by lapse of consciousness or control, either temporary or prolonged, ~~which that~~ that is or may
10 become chronic; ~~provided that. However,~~ the department may in its discretion issue a license to a an
11 otherwise qualified person suffering from ~~epileptic type seizures or similar disorder~~ characterized by lapse
12 of consciousness or control, a condition if ~~otherwise qualified to be licensed to drive a motor vehicle~~, when
13 the afflicted person can show through a written report from his person's attending physician attests in
14 writing that he has not experienced an epileptic type seizure or similar disorder characterized by lapse of
15 consciousness or control for a sufficient period and that the condition is stabilized as attested to by said
16 physician the person's condition has stabilized and would not be likely to interfere with that person's ability
17 to operate a motor vehicle safely."

18
19 Section 2. Section 61-5-106, MCA, is amended to read:

20 "61-5-106. Instruction and permits -- traffic education learner licenses and permits and -- temporary
21 licenses. (1) A The department may issue an instruction permit to a person satisfying the age requirements
22 specified in 61-5-105(1) may apply to the department for an instruction permit. The department may in its
23 discretion, after the applicant has successfully passed all parts of the examination other than the driving
24 test, issue to the applicant an the knowledge test and the vision examination as provided in 61-5-110. An
25 instruction permit that entitles the applicant permittee, while having the permit in the applicant's immediate
26 possession of the permit and accompanied by a licensed driver seated beside the permittee, to drive a motor
27 vehicle upon the public highways for a period of 6 months when accompanied by a licensed driver who is
28 occupying a seat beside the driver from the date the fees required in 61-5-111 are paid.

29 (2) ~~In addition, the~~ The department may issue ~~an instruction permit~~ a traffic education learner
30 license to any person who is at least 14½ years of age and who has successfully completed or is

1 successfully participating in a traffic education course approved by the department and the superintendent
2 of public instruction. ~~An instruction permit must be restricted to the operation of a motor vehicle~~ A traffic
3 education learner license entitles the licensee to operate a motor vehicle only when accompanied by an
4 approved instructor or licensed parent or guardian and may be ~~further~~ restricted to specific times or areas.

5 ~~(2)(3) (a) The department upon receiving proper application may in its discretion~~ An instructor of
6 a traffic education program approved by the department and by the superintendent of public instruction may
7 issue a traffic education permit that is effective for a school year or more restricted period to an applicant
8 who is enrolled in a traffic education program approved by the department ~~even though the applicant has~~
9 ~~not reached the legal age to be eligible for a driver's license and who meets the age requirements specified~~
10 in 20-7-503. The permit entitles the permittee, when the permittee has a permit in the permittee's

11 (b) When in immediate possession of the traffic education permit, to the permittee may operate
12 ~~only~~ on a designated highway or within a designated area;

13 (i) a motor vehicle ~~only~~ when an approved instructor is ~~occupying a seat~~ seated beside the
14 permittee; or

15 (ii) a motorcycle or quadricycle ~~only~~ when under the immediate and proximate supervision of an
16 approved instructor.

17 ~~(3)(4)~~ The department may in its discretion issue a temporary driver's permit to an applicant for
18 a driver's license permitting the applicant to operate a motor vehicle while the department is completing
19 its investigation and determination of all facts relative to the applicant's right to receive a driver's license.
20 The temporary driver's permit must be in the permittee's immediate possession while operating a motor
21 vehicle, and it is invalid when the applicant's license has been issued or for good cause has been refused.

22 ~~(4)(5)~~ The department may in its discretion issue a temporary commercial driver's license to an
23 applicant permitting the applicant to operate a commercial motor vehicle while the department is completing
24 its investigation and determination of all facts relative to the applicant's right to receive a commercial
25 driver's license. The temporary license must be in the applicant's immediate possession while operating
26 a commercial motor vehicle and is invalid when the applicant's license has been issued or for good cause
27 has been refused."

28
29 **Section 3.** Section 61-5-107, MCA, is amended to read:

30 **"61-5-107. Application for license, instruction permit, or motorcycle endorsement. (1) ~~Every~~ Each**

1 application for an instruction permit, driver's license, or motorcycle endorsement must be made upon a form
 2 furnished by the department. A motorcycle endorsement is required for the operation of a quadricycle.
 3 ~~Every~~ Each application must be accompanied by the proper fee, and payment of the fee entitles the
 4 applicant to not more than three attempts to pass the examination within a period of 6 months from the
 5 date of application. A voter registration form for mail registration as prescribed by the secretary of state
 6 must be attached to each driver's license application. If the applicant wishes to register to vote, the
 7 department shall accept the registration and forward the form to the election administrator.

8 (2) ~~Every~~ Each application must state the full name, date of birth, sex, and residence address of
 9 the applicant, must briefly describe the applicant, and must state whether:

10 (a) the applicant has previously been licensed as a driver or commercial vehicle operator, and, if
 11 so, when and by what state or country, ~~and whether;~~

12 (b) any commercial operator license has ever been suspended or revoked; ~~or whether~~

13 (c) an application has ever been refused, and, if so, the date of and reason for suspension,
 14 revocation, or refusal.

15 (3) ~~Whenever~~ When application is received from an applicant previously licensed by ~~any other~~
 16 another jurisdiction, the department shall request a copy of the applicant's driving record from the previous
 17 licensing jurisdiction. The driving record may be transmitted manually or by electronic medium. When
 18 received, the driving records become a part of the driver's record in this state with the same force and
 19 effect as though entered on the driver's record in this state in the original instance."

20
 21 **Section 4.** Section 61-5-110, MCA, is amended to read:

22 "61-5-110. Examination of applicants -- cooperative driver testing programs. (1) The department
 23 shall examine every applicant for a driver's license or motorcycle endorsement, except as otherwise
 24 provided in this section. The examination must include a test of the applicant's eyesight, a knowledge test
 25 examining the applicant's ability to read and understand highway signs ~~regulating, warning, and directing~~
 26 ~~traffic, and~~ the applicant's knowledge of the traffic laws of this state, and ~~must include an actual~~
 27 ~~demonstration of a road test demonstrating the applicant's~~ ability to exercise ordinary and reasonable
 28 control in the operation of a motor vehicle, quadricycle, or motorcycle. ~~The examination for the commercial~~
 29 driver's license may include additional items. UNLESS THE APPLICANT WORKS IN A FARM-RELATED INDUSTRY
 30 The knowledge test or road test, or both, may be waived by
the department upon certification of the applicant's successful completion of the test by a certified

EXHIBIT 1E
DATE 3-7-95
1 HB 248

1 cooperative driver testing program, as provided in subsection (2).

2 (2) The department is authorized to certify as a cooperative driver testing program any
3 state-approved high school traffic education course offered by or in cooperation with a school district that
4 employs an approved instructor who has current endorsement from the superintendent of public instruction
5 as a teacher of traffic education and who agrees to:

6 (a) administer standardized knowledge and road tests required by the department to students
7 participating in the district's high school traffic education courses:

8 (b) certify the test results to the department; and

9 (c) comply with regulations of the department and the superintendent of public instruction.

10 ~~(2)(3)~~ Within 90 days of receipt of an application for a commercial driver's license, the department
11 shall give an examination to the applicant in the county where the applicant resides.

12 ~~(3)(4)~~ Except as otherwise provided by law, a resident who has a valid driver's license issued by
13 another state may surrender that license for a Montana license of the same class, type, and endorsement
14 upon payment of the required fees, successful completion of a vision examination, and, if requested by the
15 examiner, completion of either the knowledge test or road test, or both. ~~(A resident who obtains a Montana~~
16 ~~driver's license in this manner is exempt from the written examination and actual demonstration of the~~
17 ~~operation of a motor vehicle provided for in subsection (1) but is not exempt from the eyesight test or, in~~
18 ~~the case of commercial drivers,~~ In addition, a resident surrendering a commercial driver's license issued by
19 another state shall successfully complete any examination required by federal regulations before being
20 issued a commercial driver's license by the department."

21
22 **Section 5.** Section 61-5-111, MCA, is amended to read:

23 **"61-5-111. Renewals, expirations, and fees for licenses, permits, and endorsements -- notice of**
24 **expiration.** (1) The department may appoint county treasurers and other qualified officers to act as its
25 agents for the sale of driver's licenses receipts and shall make necessary rules governing sales. In these
26 areas ~~where~~ in which the department provides driver licensing services 3 days or more a week, the
27 department is responsible for sale of receipts and may, in its discretion, ~~not~~ appoint an agent to sell
28 receipts. The department, upon receipt of payment of the fees specified in this section, shall issue a
29 driver's license to ~~every~~ each qualifying applicant. The license must contain a full-face photograph of the
30 licensee in the size and form prescribed by the department, ~~except as provided in subsection (4); a~~

1 distinguishing number issued to the licensee; the full name, date of birth, ~~residence~~ Montana mailing
2 address, and a brief description of the licensee; and either ~~a facsimile of the signature of the licensee or~~
3 ~~a space upon which the licensee shall write the licensee's signature in pen and ink immediately upon receipt~~
4 of the license or a digital reproduction of the licensee's signature. A license is not valid until it is signed
5 by the licensee.

6 (2) (a) ~~The~~ When a person applies for renewal of a driver's license, the department shall, ~~when any~~
7 ~~person applies in person for renewal of a driver's license,~~ test the applicant's eyesight and ~~may also,~~ in the
8 department's discretion, may have the applicant ~~demonstrate~~ complete a road test demonstrating the
9 applicant's ~~physical~~ ability to operate and to exercise ordinary and reasonable care in the operation of a
10 motor vehicle.

11 (b) In the case of a commercial driver's license, the department may also require that the applicant
12 successfully complete a written examination as required by federal regulations.

13 (c) A person is considered to have applied for renewal of a Montana driver's license if the
14 application is made within 6 months before or 3 months of ~~after~~ the expiration of the person's license.

15 ~~(d) The department shall mail a driver's license renewal notice to a person no earlier than 60 days~~
16 ~~and no later than 30 days prior to the expiration date of the person's license.~~

17 ~~(e) (i) A person may renew a driver's license by mail, without the tests provided for in subsection~~
18 ~~(2)(a), for a 4 year period, provided that the person:~~

19 ~~(A) has not accumulated five or more points on the person's driving record for the 4 years~~
20 ~~immediately preceding the expiration date; and~~

21 ~~(B) submits a sworn affidavit on a form prescribed by the department, attesting to the person's~~
22 ~~physical and mental ability to safely operate a motor vehicle.~~

23 ~~(ii) The department may not renew a driver's license by mail for more than one renewal period. At~~
24 ~~the expiration of the mail renewal period, a person shall apply in person for a renewal.~~

25 ~~(iii) A person who holds a probationary or restricted license may not renew the license by mail.~~

26 (D) THE DEPARTMENT SHALL MAIL A DRIVER'S LICENSE RENEWAL NOTICE NO EARLIER THAN
27 60 DAYS AND NO LATER THAN 30 DAYS PRIOR TO THE EXPIRATION DATE OF A COMMERCIAL
28 DRIVER'S LICENSE IF THE LICENSEE HAS PREVIOUSLY SUBMITTED A WRITTEN REQUEST FOR THE
29 NOTICE, EITHER AT THE TIME OF INITIAL APPLICATION OR OF RENEWAL OF THE LICENSE.

30 (3) (a) Except as provided in subsection SUBSECTIONS (3)(b) and (3)(c), a license expires on the

1 anniversary of the ~~date of birth of the licensee~~ licensee's birthday 8 years or less after the date of issue
2 or on the licensee's 75th birthday, whichever occurs first. The department may adopt rules to stagger the
3 implementation of the conversion to an 8-year license cycle over a 4-year period.

4 (b) A license issued to a person who is 75 years of age or older expires on the anniversary of the
5 licensee's birthday 4 years or less after the date of issue.

6 (c) A license issued to a person who is under 21 years of age expires on the licensee's 21st
7 birthday.

8 ~~(4) A license issued to a person under the age of 21 years must contain a photograph of the~~
9 ~~licensee's profile.~~

10 ~~(5)(4) Whenever the department issues an original license to a person under the age of 18 years,~~
11 ~~the license must be designated and clearly marked as a "provisional license". Any license designated and~~
12 ~~marked as provisional may be suspended by the department for a period of not more than 12 months, when~~
13 ~~its records disclose that the licensee, subsequent to the issuance of the license, has been guilty of careless~~
14 ~~or negligent driving. Upon renewal the department may, for any reasonable cause as shown by its records,~~
15 ~~designate the renewal of the license as provisional; otherwise, a license in usual form must be issued~~
16 ~~subject to other provisions of the laws of Montana.~~

17 ~~(6)(5) It is unlawful for any person to have in the person's possession or under the person's control~~
18 ~~more than one valid Montana driver's license at any one time. A license is not valid for the operation of~~
19 ~~a motorcycle or quadricycle until unless the holder of the license has completed the requirements of~~
20 ~~61-5-110 and the license has been clearly marked with the words "motorcycle endorsement". A license~~
21 ~~is not valid for the operation of a commercial vehicle until unless the holder of the license has completed~~
22 ~~the requirements of 61-5-110 and the license has been clearly marked with the words "commercial driver's~~
23 ~~license".~~

24 ~~(7)(6) Fees for driver's licenses are:~~

25 (a) driver's license, except a commercial driver's license -- \$4 per year or fraction of a year;

26 (b) motorcycle endorsement -- 50 cents per year or fraction of a year;

27 (c) commercial driver's license:

28 (i) interstate -- \$5 per year or fraction of a year;

29 (ii) intrastate -- \$3.50 per year or fraction of a year.

30 ~~(8)(7) The holder of a valid chauffeur's license may convert or renew the chauffeur's license to a~~

1 commercial driver's license by paying the appropriate fee ~~covering the remainder of the life of the license~~
2 and complying with the requirements established by the department.

3 ~~(9) The holder of a valid chauffeur's license who is renewing and wishes to obtain a commercial~~
4 ~~driver's license may do so upon paying the appropriate fees and complying with the requirements~~
5 ~~established by the department.~~

6 ~~(10) A person may not renew a driver's license by mail until the person has received a digital license~~
7 ~~issued by the department. As used in this subsection, the term "digital license" means a license having~~
8 ~~a computer-imaged photograph and signature."~~

9
10 **Section 6.** Section 61-5-121, MCA, is amended to read:

11 **"61-5-121. Disposition of fees.** (1) The disposition of the fees from driver's licenses ~~provided for~~
12 ~~in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), and commercial driver's~~
13 ~~licenses, provided for in 61-5-111(7)(c), and from duplicate driver's licenses provided for in 61-5-114 is~~
14 as follows:

15 (a) The amount of ~~25%~~ 16.7% of each driver's license fee and 25% of each duplicate driver's
16 license fee must be deposited into an account in the state special revenue fund. The department shall
17 transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund
18 as provided in 19-6-404.

19 (b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount
20 of ~~3.75%~~ 2.5% of each driver's license fee and 3.75% of each duplicate driver's license fee must be
21 deposited into the county general fund.

22 (ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must
23 be deposited into the general fund.

24 (c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount
25 of ~~5%~~ 3.34% of each motorcycle endorsement must be deposited into the county general fund.

26 (ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must
27 be deposited into the general fund.

28 (d) The amount of ~~8.75%~~ 5.85% of each driver's license fee and 8.75% of each duplicate driver's
29 license fee must be deposited into the state traffic education account.

30 (e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount

1 of ~~62.5%~~ 74.95% of each driver's license fee and 62.5% of each duplicate driver's license fee must be
2 deposited into the state general fund.

3 (f) If the fee is collected by the county treasurer or other agent of the department, the amount of
4 ~~3.75%~~ 2.5% of each commercial driver's license fee must be deposited into the county general fund,
5 otherwise all of the fee must be deposited in the state general fund.

6 (g) The amount of ~~95%~~ 63.46% of each motorcycle endorsement fee must be deposited into the
7 state traffic education account in the state special revenue fund, and the amount of 33.2% of each
8 motorcycle endorsement fee must be deposited into the state general fund.

9 (2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
10 duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county
11 treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county
12 general fund. The county treasurer or agent shall then remit to the state treasurer all remaining fees,
13 together with a statement indicating what portion of each fee is to be deposited into the account in the
14 state special revenue fund, as provided in subsection (1)(a), and in the state general fund. The state
15 treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a)
16 and (1)(d) through (1)(g).

17 (b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and
18 duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer,
19 together with a statement indicating what portion of each fee is to be deposited into the account in the
20 state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state
21 general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as
22 provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)."

23
24 NEW SECTION. Section 7. Applicability. [This act] applies to a person who, on or after October
25 1, 1995, applies for a Montana driver's license or who seeks to renew a Montana driver's license that
26 expires on or after October 1, 1995.

27
28 NEW SECTION. Section 8. Effective dates. (1) [Section 4 and this section] are effective on
29 passage and approval.

30 (2) [Sections 1 through 3 and 5 through 7] are effective October 1, 1995.

1 NEW SECTION. SECTION 9. TERMINATION. [SECTION 6] TERMINATES SEPTEMBER 30, 1999.

2 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0248, as introduced

SENATE HIGHWAYS

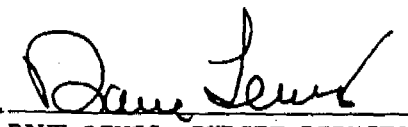
EXHIBIT NO. 1 FDATE 3/7/95BILL NO. HB 248DESCRIPTION OF PROPOSED LEGISLATION:

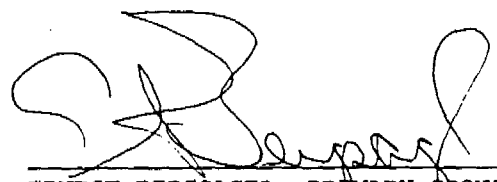
A bill generally revising laws pertaining to driver licensing and examination; creating a cooperative driver testing program in conjunction with a state-approved high school traffic education course; extending the term of a driver's license in certain circumstances; providing for electronic transfer of driving records; adjusting the disposition of license fees.

ASSUMPTIONS:Department of Justice:

1. (a) In FY96, 50 of the schools expressing an interest in the cooperative driver testing program will participate in the program and in FY97, 70 schools will participate.
(b) About 6,000 (12,000 x 50%) of the total number of students participating annually in the driver education program will participate in this cooperative driver testing program in FY96 and 8,400 students (12,000 x 70%) in FY97.
(c) The same percentage of waivers issued during the pilot cooperative driver testing program will apply during FY96 and FY97. Therefore, in FY96, 5,880 (6,000 x 98%) knowledge tests will be waived through this program and in FY97, 8,230 (8,400 x 98%). In FY96 about 1,080 (6,000 x 20% less 10% sampling tested) driving skills tests will be waived through this program and in FY97 about 1,512 driving skills tests will be waived (8,400 x 20% less 10% sampling tested).
2. Staff hours currently devoted to testing and available for reassignment after implementation of the cooperative driver testing program established by HB248 (estimated to be 546 hours (0.26 FTE) in FY96 and 771 hours (0.37 FTE) in FY97 will be reassigned to provide service to the public to reduce waiting lines and to perform other duties. This will help the department to continue providing service to the public with the present law base FTE.
3. During the four-year staggered implementation phase of the conversion to eight-year driver licenses, 50% of the driver licenses issued will be four-year licenses and 50% will be eight-year licenses.
4. The percentage of driver licenses issued to individuals under the age of 21 and over the age of 75 will remain constant and the increasing population between the ages of 21 and 75 will offset any fiscal impact of HB248 on the under-21 and over-75 population.
5. Allocation percentages for the driver license fees have been adjusted so that the additional revenue from the transition to eight-year licenses will increase general fund revenue by about \$1.64 million annually during the eight-year phase-in period (\$3.28 million x 50%). The total revenues earmarked for the state special revenue accounts will remain approximately the same as under present law.

(Continued)

 1.24.95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/25/94
ERNEST BERGSAGEL, PRIMARY SPONSOR/DATE

Fiscal Note for HB0248, as introduced**HB 248**

ASSUMPTIONS:

Office of Public Instruction:

6. Under present law, the state traffic education account receives 8.75% of each driver's license fee and of each duplicate driver's license fee. The changes in the renewal cycle and the reallocation of revenues proposed in HB248 will provide the same amount of revenue to the state traffic education account from driver's license fees and motorcycle endorsements in each year of the 1997 biennium as the revenue estimated under present law.

FISCAL IMPACT:

Revenues:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
General Fund (01)	1,630,000	1,640,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The changes in the renewal cycle and the reallocation of revenues proposed in HB248 will provide the same amount of revenue to county general funds from driver's license fees and motorcycle endorsements in each year of the 1997 biennium as the revenue estimated under present law.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The annual increase in revenue due to a longer license period should be realized during the eight year implementation period until all present licenses are converted. Beginning in fiscal year 2004, except for adjustments for growth or decline in the number of active driver licenses, general fund revenue should decrease to a level approximating the 1997 biennium present law estimates. Revenue to the state special revenue accounts should decrease below 1997 biennium present law estimates because of the decrease in the applicable percentage rates.

SENATE HIGHWAYS

EXHIBIT NO. 1ADATE 3/2/95BILL NO. HB 248

SENATE BILL NO. 34

INTRODUCED BY SWYSGOOD

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS PERTAINING TO COMMERCIAL MOTOR VEHICLES; REVISING DEFINITIONS; CREATING A THIRD-PARTY COMMERCIAL DRIVER TESTING PROGRAM; WAIVING DRIVING TESTS FOR A QUALIFIED APPLICANT WORKING IN A FARM-RELATED SERVICE INDUSTRY AND MEETING THE REQUIREMENTS FOR A SEASONAL COMMERCIAL DRIVER'S LICENSE; REQUIRING COMMERCIAL DRIVERS HAVING ANY MEASURABLE OR DETECTABLE ALCOHOL CONCENTRATION TO SUBMIT TO TESTING; CLARIFYING THE STATUS OF CERTAIN FERTILIZER SPREADER TRUCKS AND SPREADER TRAILERS AS COMMERCIAL MOTOR VEHICLES; AMENDING SECTIONS 61-1-134, 61-1-502, 61-5-104, 61-5-110, 61-5-117, 61-8-806, AND 61-8-808, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill to provide guidelines for the adoption of rules under 61-5-117 by which the department of justice may certify and monitor a third-party commercial driver testing program. The rules should set forth procedures to ensure that the testing is conducted according to uniform standards and by competent examiners. The rules may limit the number of participants or delay participation in a third-party testing program to ensure that it can be administered without having to add additional full-time employees to the department.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-1-134, MCA, is amended to read:

"61-1-134. Commercial motor vehicle defined -- exceptions. (1) ~~Commercial~~ Except as provided in subsection (2), "commercial motor vehicle" means a motor vehicle used to transport passengers or property if the vehicle:

(a) has a gross vehicle weight or manufacturer's rated capacity of 26,001 pounds or more;

(b) is designed to transport more than 15 passengers, including the driver;

(c) is a school bus as defined in 20-10-101; or

(d) is used to transport hazardous material.

(2) ~~Commercial~~ The following vehicles are not commercial motor vehicles under this section do not include vehicles operated within the state of Montana that are:

(a) ~~registered as paying the 35% gross weight fee under 61-10-206;~~

(b) a vehicle exempt from taxation, used for firefighting, and that are bearing Montana tax-exempt plates; or

(c) a police emergency response and safety education unit; vehicle; or

(d) a vehicle:

(i) controlled and

(3) ~~Vehicles that are operated within the state of Montana by farmers or persons a farmer or person employed by farmers who are transporting a farmer;~~

(ii) used to transport farm products, farm machinery, or farm supplies and that are operated within Montana or within 150 miles of the farm headquarters are not considered commercial motor vehicles under this section; and

(iii) not used to transport goods for compensation or hire.

(3) For purposes of this section, "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or crops or the raising of livestock owned by or under the direct control of that person."

Section 2. Section 61-1-502, MCA, is amended to read:

"61-1-502. Gross vehicle weight. "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load ~~thereon~~ on the vehicle."

Section 3. Section 61-5-104, MCA, is amended to read:

"61-5-104. Exemptions. (1) The following persons are exempt from ~~license~~ licensure under this chapter:

(a) a person who is a member of the armed forces of the United States while operating a motor vehicle owned by or leased to the United States government and being operated on official business;

(b) a person who is a member of the armed forces of the United States on active duty in Montana

1 who holds a valid license issued by another state and the spouse of ~~such a~~ the person who holds a valid
2 license issued by another state and who is not employed in Montana, except as a member of the armed
3 forces; ~~if~~ If a spouse of a member of the armed forces becomes gainfully employed in Montana, the
4 spouse must be licensed, as required by 61-5-102, within 90 days of becoming ~~so~~ employed;

5 (c) a person on active duty in the armed forces of the United States ~~who has~~ and in his immediate
6 possession of a valid license issued to that person in a foreign country by the armed forces of the United
7 States, for a period of 45 days from the date of ~~his~~ the person's return to the United States;

8 (d) a person while driving or operating any road machine, farm tractor, or implement of husbandry
9 temporarily operated or moved on a highway;

10 (e) a person who is a locomotive engineer, assistant engineer, conductor, brakeman, railroad utility
11 person, or other member of the crew of a railroad locomotive or train being operated upon rails, including
12 operation on a railroad crossing a public street, road, or highway. A person employed as described in this
13 subsection is not required to display a driver's license to a law enforcement officer in connection with the
14 operation of a railroad locomotive or train within Montana.

15 (2) A nonresident who is at least 15 years of age and who ~~has~~ is in his immediate possession of
16 a valid operator's license issued to ~~him in his~~ the nonresident by the nonresident's home state or country
17 may operate a motor vehicle, except a commercial motor vehicle, in this state ~~only as an operator~~.

18 (3) A nonresident ~~who is at least 18 years of age~~ not otherwise exempt from the licensing
19 requirements of 49 CFR, part 391, and ~~who has~~ in his immediate possession of a valid commercial
20 ~~operator's driver's~~ license issued to ~~him in his~~ the nonresident by the nonresident's home state or country
21 may operate a ~~motor vehicle or~~ commercial motor vehicle in this state ~~subject to the age limits applicable~~
22 ~~to commercial vehicle operators in this state~~.

23 (4) A nonresident who is at least 18 years of age, whose home state or country does not require
24 the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than
25 90 days in any calendar year, if the motor vehicle ~~so operated~~ is ~~duly~~ registered in the home state or
26 country of ~~such~~ the nonresident.

27 (5) A driver's license issued under this chapter to any person who enters the United States armed
28 forces, if valid and in ~~force and~~ effect at the time that the person enters the service, continues in ~~full force~~
29 ~~and~~ effect so long as the service continues, unless the license is sooner suspended, revoked, or canceled
30 for a cause as provided by law, and for not to exceed 30 days following the date on which ~~holder of the~~

1 ~~driver's license~~ the licensee is honorably separated from the service. During the 30-day period, the license
2 is valid only when in the immediate possession of the licensee while driving and the licensee has his the
3 license and the licensee's discharge, separation, leave, or furlough papers are in his the licensee's
4 immediate possession."

5
6 **Section 4.** Section 61-5-110, MCA, is amended to read:

7 **"61-5-110. (Temporary) Examination of applicants.** (1) The department shall examine every each
8 applicant for a driver's license or motorcycle endorsement, except as otherwise provided in this section.
9 The examination must include a test of the applicant's eyesight, a knowledge test examining the applicant's
10 ability to read and understand highway signs, ~~regulating, warning, and directing traffic, the applicant's the~~
11 applicant's knowledge of the traffic laws of this state, and ~~must include an actual demonstration of, except~~
12 as provided in [section 6], a road test or a skills test demonstrating the applicant's ability to exercise
13 ordinary and reasonable control in the operation of a motor vehicle, quadricycle, or motorcycle. The
14 examination for the commercial driver's license may include additional items. The knowledge test and the
15 road test or the skills test must be waived for an applicant who works in a farm-related service industry and
16 who otherwise meets the requirements for a seasonal commercial driver's license as set forth in this title
17 and rules adopted by the department.

18 ~~(2) Within 90 days of receipt of an application for a commercial driver's license, the department~~
19 ~~shall give an examination to the applicant in the county where the applicant resides.~~

20 ~~(3)~~ Except as otherwise provided by law, a resident who has a valid driver's license issued by
21 another state may surrender that license for a Montana license of the same class, type, and endorsement
22 upon payment of the required fees. A resident who obtains a Montana driver's license in this manner is
23 exempt from the ~~written examination and actual demonstration of the operation of a motor vehicle~~
24 knowledge test and the road test or the skills test provided for in subsection (1) but is not exempt from the
25 eyesight test or, in the case of commercial drivers, any examination required by federal regulations."

26
27 **Section 5.** Section 61-5-110, MCA, is amended to read:

28 **"61-5-110. (Effective October 1, 1999) Examination of applicants.** (1) The department shall
29 examine every each applicant for a driver's license or motorcycle endorsement, except as otherwise
30 provided in this section. The examination must include a test of the applicant's eyesight, a knowledge test

3-7-95

HB 248

SB0034.01

*Mand. / Specific**must insert spec lang. in HB 248*

1 examining the applicant's ability to read and understand highway signs, regulating, warning, and directing
 2 traffic, the applicant's knowledge of the traffic laws of this state, and must include an actual
 3 demonstration of a road test or a skills test demonstrating the applicant's ability to exercise ordinary and
 4 reasonable control in the operation of a motor vehicle, quadricycle, or motorcycle. The examination for the
 5 commercial driver's license may include additional items. The knowledge test and the road test or the skills
 6 test must be waived for an applicant who works in a farm-related service industry and who otherwise meets
 7 the requirements for a seasonal commercial driver's license as set forth in this title and rules adopted by
 8 the department.

9 (2) ~~Within 90 days of receipt of an application for a commercial driver's license, the department~~
 10 ~~shall give an examination to the applicant in the county where the applicant resides.~~

11 (3) Except as otherwise provided by law, a resident who has a valid driver's license issued by
 12 another state may surrender that license for a Montana license of the same class, type, and endorsement
 13 upon payment of the required fees. A resident who obtains a Montana driver's license in this manner is
 14 exempt from the written examination and actual demonstration of the operation of a motor vehicle
 15 knowledge test and the road test or the skills test provided for in subsection (1) but is not exempt from the
 16 eyesight test or, in the case of commercial drivers, any examination required by federal regulations."
 17

18 **NEW SECTION. Section 6. (Temporary) Third-party commercial driver testing program -- test**
 19 **waiver.** (1) The department may certify as a third-party commercial driver testing program any company
 20 that:

21 (a) in the course of its commercial enterprise, customarily transports or hauls any goods, including
 22 agricultural commodities, in company-owned class A commercial motor vehicles as prescribed by federal
 23 regulations;

24 (b) regularly and continuously employs a minimum number of drivers. The department shall
 25 determine the minimum number of drivers and whether they are regularly and continuously employed by
 26 the company.

27 (c) has a permanent Montana mailing address and maintains a place of business in this state that
 28 includes at least one permanent, regularly occupied structure with facilities and equipment to conduct
 29 offstreet skills testing;

30 (d) employs at least one examiner with qualifications required by rules of the department; and

(e) complies with rules adopted by the department under 61-5-117.

(2) The road test or the skills test required by 61-5-110 may be waived by the department for a commercial driver's license applicant upon certification of the applicant's successful completion of the road test or the skills test by a certified third-party commercial driver testing program.

(3) An examiner for a certified third-party commercial driver testing program may administer a road test or a skills test only to a company employee who has applied to the department for a commercial driver's license and who has passed the knowledge test required by 61-5-110 and by department or federal rules.

Section 7. Section 61-5-117, MCA, is amended to read:

"61-5-117. Rulemaking authority. The department may adopt rules to implement the issuance and enforcement of classified commercial driver's licenses and shall adopt rules implementing [section 6]."

Section 8. Section 61-8-806, MCA, is amended to read:

"61-8-806. Blood, breath, or urine tests of commercial vehicle operators -- procedure -- suspension.

(1) A person who operates a commercial motor vehicle upon the ways of this state open to the public is considered to have given consent, subject to the provisions of 61-8-401 and 61-8-805, to a test of the operator's blood, breath, or urine for the purpose of determining any measured or detected amount of alcohol in the operator's body if the operator is requested to submit to the test by a peace officer having reasonable grounds to believe the person to have been driving or in actual physical control of a commercial motor vehicle upon the ways of this state open to the public while ~~the person's blood~~ having any measurable or detectable alcohol concentration ~~was 0.04 or more~~. The peace officer may designate a blood, breath, or urine test to be administered.

(2) A person who is unconscious or who is otherwise incapable of refusal is considered not to have withdrawn the consent provided in subsection (1).

(3) If a commercial motor vehicle operator who is a resident of Montana refuses upon the request of a peace officer to submit to a test designated by the officer as provided in subsection (1), the test may not be given. On behalf of the department, the officer shall immediately seize the person's commercial driver's license and forward the license to the department, along with a sworn report that the officer had reasonable grounds to believe that the person had been driving or was in actual physical control of a

commercial motor vehicle upon ways of this state open to the public while having ~~an~~ any measurable or detectable alcohol concentration of ~~0.04 or more~~ and that the person had refused to submit to the test upon the request of the officer. Upon receipt of the report, the department shall suspend the license for a period provided in subsection (5).

(4) Upon seizure of a resident's commercial driver's license, the peace officer shall issue, on behalf of the department, a temporary noncommercial driving permit. The temporary driving permit is valid for 72 hours after issuance.

(5) If a commercial motor vehicle operator refuses to submit to a test as provided in subsection (3), the department shall suspend the operator's commercial driver's license:

(a) upon first refusal, for 1 year, with no provision for a restricted probationary license or endorsement, except that if the offense occurred in a commercial motor vehicle transporting hazardous materials, the suspension for a first refusal must be for 3 years;

(b) upon a second or subsequent refusal at any time as determined from the records of the department, for life, with no provision for a restricted probationary license or endorsement unless allowed by federal rules governing commercial drivers.

(6) A nonresident commercial motor vehicle operator who refuses to submit to a test as provided in subsection (3) is subject to suspension by the department as provided in subsection (5) and must be given a temporary driving permit as provided in subsection (4)."

Section 9. Section 61-8-808, MCA, is amended to read:

"61-8-808. Right of appeal of to court. The department shall immediately notify in writing any person whose commercial driver's license has been suspended under the provisions of 61-8-806, and the person may, within 30 days after receipt of notification, file a petition for a hearing on the matter in the district court in the county where the person resides or in the district court in the county where the finding of refusal was made. The court has jurisdiction and shall set the matter for hearing upon 10 days' written notice to the county attorney of the county where the appeal is filed. The county attorney shall represent the state. The court shall take testimony and examine the facts of the case, except that the issue is limited to whether a peace officer had reasonable grounds to believe that the person had been driving or was in actual physical control of a commercial motor vehicle upon ways of this state open to the public while the person had ~~a blood~~ any measurable or detectable alcohol concentration of ~~0.04 or more~~, whether the

1 person was ordered to submit to a test, and whether the person refused to submit to the test. The court
2 shall determine whether the petitioner is entitled to a commercial driver's license or is subject to suspension
3 as provided in this part."

4
5 **NEW SECTION. Section 10. Codification instruction.** [Section 6] is intended to be codified as an
6 integral part of Title 61, chapter 5, part 1, and the provisions of Title 61 apply to [section 6].

7
8 **NEW SECTION. Section 11. Effective dates.** (1) [Sections 1 through 3 and 7 through 10 and this
9 section] are effective on passage and approval.

10 (2) [Sections 4, 6, and 12] are effective October 1, 1995.

11 (3) [Section 5] is effective October 1, 1999.

12
13 **NEW SECTION. Section 12. Termination.** [Sections 4 and 6] terminate September 30, 1999.

14 -END-

Amendments to Senate Bill No. 390
First Reading Copy (white)Requested by Senator Jergeson
For the Committee on Highways and TransportationPrepared by Valencia Lane
(originally prepared by Brenda Nordlund of DOJ)
March 2, 1995

1. Title, line 5.

Following: "LICENSES"

Strike: ", "

Insert: "AND"

2. Title, line 6.

Following: "LICENSES"

Strike: ", AND REGISTRATION OF MOTOR VEHICLES"

Following: "SECTIONS"

Strike: "61-3-321,"

3. Title, line 7.

Strike: "63-3-325,"

Following: "61-5-111"

Strike: ", "

Following: "PROVIDING"

Strike: "AN"

Following: "EFFECTIVE"

Strike: "DATE"

Insert: "DATES AND A TERMINATION DATE"

4. Page 1, line 11 through page 3, line 8.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

5. Page 5, line 13.

Insert: "Section 2. Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial driver's licenses provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of ~~25%~~ 22.25% of each driver's license fee and 25% of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of ~~3.75%~~ 3.33% of each driver's license fee and 3.75% of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited

into the general fund.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of ~~5%~~ 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the general fund.

(d) The amount of ~~8.75%~~ 27.25% of each driver's license fee and 8.75% of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount of ~~62.5%~~ 47.17% of each driver's license fee and 62.5% of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of ~~3.75%~~ 3.13% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited in the state general fund.

(g) The amount of ~~95%~~ 63.46% of each motorcycle endorsement fee must be deposited into the state traffic education account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. The county treasurer or agent shall then remit to the state treasurer all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a) and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d) through (1)(g).

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the state treasurer, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state general fund. The state treasurer, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)."

Renumber: subsequent sections

6. Page 6, line 1.

Following: "~~8.75%~~"

Strike: "11.67%"

Insert: "40.88%"

7. Page 6, line 4.

Following: "~~62.5%~~"

Strike: "50%"

Insert: "20.79%"

8. Page 6, line 26.

Following: "~~instruction.~~"

Insert: "(1)"

9. Page 6, line 28.

Following: "["

Strike: "sections 3 and 4 of"

Following: "act]"

Strike: "are"

Insert: "is".

10. Page 6, line 29.

Insert: "(2) If House Bill No. 248 is passed and approved and if it includes one or more sections that amend 61-5-121, either temporarily or permanently, then those sections are void and are superseded by [sections 2 and 3 of this act].

(3) If Senate Bill No. 83 is passed and approved and if it includes a section that amends 61-5-121, then that section is void and is superseded by [sections 2 and 3 of this act]."

11. Page 6, line 30.

Strike: "date"

Insert: "dates"

Strike: "[This act] is"

Insert: "(1) [Sections 1, 2, 4, and 6] and this section are"

Following: "effective"

Strike: "July "

Insert: "October"

12. Page 6, line 31.

Following: line 30

Insert: "(2) [Section 3] is effective October 1, 1999.

NEW SECTION. Section 6. Termination. [Section 2]
terminates September 30, 1999."

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN LARRY TVEIT, on March 14, 1995, at 3:17 p.m. in Room 410.

ROLL CALL

Members Present:

Sen. Larry J. Tveit, Chairman (R)
Sen. Charles "Chuck" Swysgood, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Arnie A. Mohl (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Barry "Spook" Stang (D)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Council
Jeff Martin, Legislative Council
Carla Turk, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 194
HB 219
Executive Action: HB 194 BE CONCURRED IN
HB 219 BE CONCURRED IN
SB 390 DO PASS AS AMENDED
HB 111 BE CONCURRED IN AS AMENDED
HB 248 BE CONCURRED IN AS AMENDED
HB 364 BE NOT CONCURRED IN AS AMENDED
HB 448 BE CONCURRED IN
HJR 13 BE CONCURRED IN AS AMENDED

HEARING ON HB 194

Opening Statement by Sponsor:

REPRESENTATIVE ELLEN BERGMAN, HD 4, Miles City, stated HB 194 was an act eliminating the requirement for designing, erecting, and

EXECUTIVE ACTION ON HB 448

Motion/Vote:

SENATOR COLE MOVED HB 448 BE CONCURRED IN AND THE MOTION CARRIED WITH SENATOR TVEIT VOTING NO.

SENATOR STANG WAS ASSIGNED TO CARRY THE BILL ON THE SENATE FLOOR.

EXECUTIVE ACTION ON HB 248

Discussion:

SENATOR JERGESON stated there had been some discussion of a conflict between HB 248, SB 390, SB 83, and SB 34, but Committee discussion had involved a Section where no conflict actually existed. He stated there was a conflict elsewhere and Department personnel was present to explain. Brenda Nordlund, Department of Justice, explained there was a minuscule conflict on page 5, Subsection (4) in 61-5-110 language, line 15-20, and that conflict coordinated with the same or similar language in SB 34, 61-5-110, on page 5, lines 13-16. She reported having worked with Greg Petesch, Legislative Council, to arrive at the best way to resolve the conflict. She explained that the conflict provision was the second amendment on amendment number hbo24801.avl, (EXHIBIT # 6). She stated that since HB 248 had to be returned to the House to address amendment #2, they were proposing the need to clarify that in 61-5-105, which was the eligibility for a drivers license Section, those individuals who have lost consciousness or control could not get a commercial driver's license unless also comporting with commercial driver's license regulations. She attested this was only a clarification.

Motion/Vote:

SENATOR JERGESON MOVED TO ADOPT AMENDMENT NUMBER hb024801.avl AND THE MOTION CARRIED.

Motion:

SENATOR JERGESON MOVED HB 248 BE CONCURRED IN AS AMENDED.

Discussion:

Jeff Martin clarified that the adopted amendments resolved the conflict in SB 34, but asked about the conflict in SB 83. Ms. Nordlund explained that SB 390, which the Committee planned to do Executive Action on shortly, contained coordinating language for all three of these bills. She reported that as long as SB 390, the driver's license fees reduction bill, passed there should be no conflict in any of the three.

SENATOR MOHL asked what would happen if it didn't pass. Ms. Nordlund stated that if SB 390 did not pass the Committee would need to coordinate SB 83 and HB 248, only on the issue of the state traffic education fund and the percentage that will be allocated through the drivers license fee receipts in HB 248 versus SB 83. She explained that SB 83 currently provided that 35% of drivers license fees receipts would be allocated to the state traffic education fund, and if HB 248 passed it provided 22.75%. She reported that as the only thing which would need to be coordinated.

Vote:

SENATOR JERGESON'S MOTION THAT HB 248 BE CONCURRED IN AS AMENDED CARRIED, WITH SENATOR MOHL VOTING NO.

SENATOR JERGESON WAS ASSIGNED TO CARRY THE BILL ON THE SENATE FLOOR.

EXECUTIVE ACTION ON SB 390

Discussion:

SENATOR JERGESON reminded the Committee that SB 390 had already been amended to allow application for a revised fiscal note to reflect the revised fees and the elimination of the motor vehicle registration fee provision originally contained in the Bill.

Motion:

SENATOR JERGESON MOVED SB 390 DO PASS AS AMENDED.

Discussion:

SENATOR MOHL asked for an explanation of the revised fiscal note? SENATOR JERGESON stated the difference with the revised fiscal note was that the elimination of the \$5 million/year loss, that the originally introduced Bill represented. He said the fiscal note represented the redistribution of the funds, as well as the

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration HB 248 (third reading copy -- blue), respectfully report that HB 248 be amended as follows and as so amended be concurred in.

Signed: Sen. Tveit
Senator Larry Tveit, Chair

That such amendments read:

1. Page 2, line 17.

Following: "safely"

Insert: "and, if a commercial driver's license is involved, the person is physically qualified to operate a commercial motor vehicle under applicable state or federal regulations"

2. Page 9.

Following: line 30

Insert: "NEW SECTION. Section 9. Coordination instruction. If [this act] is passed and approved, then subsection (2) of 61-5-110 in [sections 4 and 5] of Senate Bill No. 34 (Chapter 53, Laws of 1995) is void."

Renumber: subsequent section

-END-


Amd. Coord.
Sec. of Senate


Senator Carrying Bill

601229SC.SRF